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WESTERN AMERICANA

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Francis J. Heney

LOOTERS
OF THE
PUBLIC DOMAIN

BY

S. A. D. PUTER

KING OF THE OREGON LAND FRAUD RING

IN COLLABORATION
WITH

HORACE STEVENS

LATE OF THE GOVERNMENT
LAND SERVICE

EMBRACING A COMPLETE EXPOSURE OF THE
FRAUDULENT SYSTEM OF ACQUIRING
TITLES TO THE PUBLIC LANDS
OF THE UNITED STATES

PROFUSELY ILLUSTRATED WITH SPLENDID HALFTONE
ENGRAVINGS AND ETCHINGS OF IMPORTANT INCIDENTS CONNECTED WITH THE DIFFERENT
TRIALS, TOGETHER WITH THE LATEST
PHOTOGRAPHS OF THE PRINCIPAL ACTORS IN THE GREAT
LAND FRAUD DRAMA

PORTLAND, OREGON, 1908
THE PORTLAND PRINTING HOUSE
PUBLISHERS

COPYRIGHT, 1907
BY S. A. D. PUTER AND
HORACE STEVENS

TO THE MEMORY

OF

DAVY CROCKETT

ONE OF THE SAINTED HEROES OF THE ALAMO, WHO
GAVE VOICE TO THE IMMORTAL
EXPRESSION

"FIRST BE SURE YOU'RE RIGHT
THEN GO AHEAD"

THIS VOLUME IS RESPECTFULLY DEDICATED

BY

THE AUTHORS

Introductory

By Horace Stevens

FROM the dismal recesses of a prison cell, S. A. D. Puter, the acknowledged leader of the Oregon land-fraud ring, who was pardoned by the President, December 31, 1907, after serving 17 months of a two-years' sentence in the Multnomah County jail for conspiracy to defraud the Government of its public lands, has sent forth through these pages a series of narratives that is reasonably certain to stimulate deliberate thought and give expression to intelligent opinion in every quarter penetrated by the recitals. In them are depicted conditions, the revelation of which ought to have a tendency to awaken the lawmakers of the country to the necessity for providing legal safeguards against all such contingencies. Through this medium, courts may ultimately come to perceive the importance for removing most of the rigid bars that now operate as a protection to the criminal element, and permit the introduction of apparently irrelevant lines of testimony that material evidence might be fortified.

The whole civilized world has a listening ear to the ground, trained in the endeavor to catch some sound that will appeal to the harmonies of human nature; that will operate to lighten the burdens of existence, and foster the higher principles of life. The better elements of society are ever on the alert to gain new ideas that will aid in the development of these commendable features, and I am convinced that this work, unclassic as it may seem at times in expression, cannot fail to fulfill some hopeful expectation of that character.

I have collaborated throughout with Mr. Puter in the preparation of the book, under very trying conditions, and together we have endeavored to clothe the different narratives with some degree of human interest, commensurate with a strict adherence to the element of fact. Furthermore, out of all the mass of information bearing upon the subject that has been furnished me by the author, I have selected only such portions that appealed to me as having an important relationship to the whole fraudulent system, realizing full well the utter impossibility of publishing in one volume even the meagre details of the various transactions in which Mr. Puter has figured, covering a period of at least a quarter of a century.

It may be urged by some that the printing of such a book, exposing, as it does, numerous human frailties, can accomplish no genuine benefit to mankind, but I beg to take issue with all such criticism. Several local clergymen, besides many others vitally interested in the problems affecting racial advancement, have become deeply concerned in this publication, and have urged me repeatedly to probe the ulcer to the bottom, upon the hypothesis that the light of day would furnish ample remedy for any existing social ill. We have therefore undertaken, without fear or favor, or the exhibition of the slightest particle of rancor, to comply with this seemingly spontaneous demand, and present herewith what we know to be the truth, let the blows fall where they may. If they are productive of bleeding hearts, then it is because those organs are of the same quality of weakness that distinguished a failure to resist temptation.

It was in the destiny of things that the extensive land-frauds prevalent upon the Pacific Coast should have been exposed, just the same as it is natural that any congestion shall finally be relieved. Great floods may overflow a river's banks, but we realize that it is not an everlasting condition; epidemics may devastate communities, though history shows their existence is short-lived, and that nothing abnormal is ever eternal. Consequently, the problems incident to the looting of the public domain were gradually working out their own solution, and made palpably so by reason of the fact that the disciples of the wrong were becoming so bold in their operations, and blazing such a well-defined trail, that the conclusion to their rascalities was plainly inevitable.

One of the most significant of the many morals pointed by the different narratives in these pages is the powerful emphasis to the old-fashioned creed that honesty is always the best policy. Although Mr. Puter has gone very thoroughly into details concerning numerous fraudulent land transactions, it does not appear that he profited to any great extent by any of his crooked deals, and in most instances whatever he made by these unlawful operations was consumed by expenses incident to getting his bogus claims through the Land Department, or by the adoption of desperate and costly efforts to cover up his tracks. The gross proceeds of the notorious 11-7 deal aggregated but $10,080, all of which went to pay the price of corruptive tactics, leaving him practically without a dollar to face the criminal charge remaining as the only legacy of his wrong-doing.

Experience and philosophy teach us that there is a cause for every effect, and the influences at work with sufficient vigor to impel men to risk life and liberty in their efforts to wrongfully acquire Government lands, were not of a character to reflect general discredit upon the citizenship of Oregon, merely because there were those within her borders base enough to permit greed and graft and their love for Mammon to run amuck with principle.

It is one of the most remarkable features of the whole situation that while dishonesty was the basis of these frauds, many of their perpetrators were punished upon the threshold of their offenses, among their friends and neighbors, and by juries composed for the most part of those who had been life-long associates of the accused, and naturally entertained, sympathetic interest in their behalf, if there was any sort of compassion one way or the other.

It may be said, also, to the everlasting credit of the manhood of Oregon, that there was no shirking of duty when it came to a question of dealing out the full measure of justice to the guilty. The eyes of humanity were fixed upon each person sitting in judgment as a juror in the various cases, and the honorable part of the whole world applauded every verdict returned. Rank cut no figure with them. All criminals looked alike to Oregon juries. Thus, a United States Senator, a Congressman, two former United States Attorneys, several members of the State Legislature, and others of more or less political renown, were actually convicted, while another Congressman, numerous personages in the millionaire class, and many others of greater or less degree of prominence in the political, commercial and social sides of life, have been indicted, and are now awaiting their fates with chilling marrows. Further along I present a complete list of all the indictments that have been returned up to the present time in connection with recent land frauds by the Federal grand juries of Oregon, together with a brief synopsis of the social status of each person implicated thereby. While it may seem appalling, in a way, it is not without its morals, because it indicates more plainly than words of mine can portray that Justice has stalked in blindfolded fashion through the ranks of crime.

Portland, more beautiful than Palmyra of old, with a moral refinement and culture that shines with lustrous brilliancy in the galaxy of Northwestern cities, and famed as the most healthy municipality of the world in civic and climatic conditions, had no important share in these land frauds, after all the aspersions that have been heaped upon her fair name.

Oregon, one of the grandest regions of the universe, whose light is fast emerging from the bushel under which her charms have been so long hidden, does not hive all the land rogues of creation by any means, and never reared within her borders the soul so base as to inspire this wholesale depredation; and I hurl back in the teeth of those who have been foul enough to make the charge, the contemptible reflection that has been cast upon her law-abiding community.

Practically all the arrangements for this immense plunder originated among unscrupulous residents of distant parts—in the ranks of the devout moneyed aristocracy beyond the Rocky Mountains, and it has remained for the honest manhood of Oregon to redeem the commonwealth from the stigma of dishonor that has been written across its fair name by the polluted hands of Eastern commercial greed.

Careful analysis of the situation indicates that most of these stupendous schemes of plunder were concocted in the cunning minds of those who had made a life-study of the subject. Upon the States of Minnesota, Wisconsin and Michigan rests the principal burden for this kind of offspring, because they produced—

A JIM HILL, with his Rainier Mountain Forest Reserve steal of the Northern Pacific;

A WEYERHAEUSER, with his tainted timber wealth that has made him "Richer than Rockefeller;"

A THOMAS B. WALKER, with his 500,000-acre grab of the public domain in California and Oregon, and his celebrated art gallery in Minneapolis, famed for its rare exhibit of $100 bills on the back of picture frames as a kindly remembrance to needy Special Agents of the Land Department;

A C. A. SMITH, with his army of "dummy" entrymen, and his 100,000 acres of perjured titles, which the Government ought to cancel.

And a host of others who are responsible for present conditions. They are the ones upon whom these crimes should be fastened; they are the ones who have waxed fat in the grease of loot at the expense of the rising generations of the West—who, after committing their base robberies, have attempted to affix its stain upon a proud-spirited people, and then laughed in their sleeves at the discomfiture they have caused by the lying insinuation—and it was the kind of laughter that is heard in hell over the loss of a soul.

The records will show that these men have been engaged in like pursuits—as the immortal sea-rovers of olden times followed the Spanish Main—since the days when their own States were the banner lumber producing districts of the country, and that the motives which prompted them to turn their greedy eyes towards Pacific shores, were inspired by the same debasing principles of pillage that actuated Alexander the Great in seeking new worlds to conquer.

Having exhausted the timber resources of the Middle West by their wanton processes of destruction and waste, the virgin forests of the Pacific Coast appealed to them as only purity can attract the elements of lust.

The question naturally arises: "Why were such men as Thomas B. Walker and C. A. Smith not prosecuted criminally for their plain and deliberate violations of the land laws of this country, but permitted to go scot free when the records show that they fraudulently acquired enough land from the Government to make Puter's efforts along those lines puny in comparison?"

The answer is embodied in the fact that both are millionaires, and because the United States Attorneys for Oregon and California during 1902 and 1903 simply shut their eyes to their duties. In consequence, the statute of limitations was permitted to run against their offenses, but that does not hinder the Government from cancelling their fraudulent claims, as six years from the date of issuance of patent is allowed by law in which to begin such proceedings.

On the Smith entries in Oregon, this time will expire June 4, 1908, and if there is an honest Department of Justice in Washington, there is still ample opportunity for checking this immense steal. The proofs of the frauds relative to much of the Smith lands are in evidence as Government exhibits at Portland, Oregon, in the case of the United States against John H. Mitchell, and have been there since June, 1905, and if no action is taken by the authorities in Washington to utilize this proof and save to the public this vast domain, then it is high time that those responsible should be impeached in disgrace for their perfidy.

In the case of the Walker lands in Northern California and Southern Oregon, embracing several hundred thousand acres of valuable timber, much was located by process of "dummy" entrymen in 1902, but patents were not issued for fully a year thereafter; so there is no excuse for allowing the period to go by in which to proceed, as there is still fully a year left.

That the Land Department in Washington has winked at these frauds all along is a matter of history. On November 9, 1902, the writer made a complete report to Lewis E. Aubury, State Mineralogist of California, covering extensive investigations of Walker's fraudulent timber land operations in the Susanville and Redding Land Districts of California, and a synopsis of this report was not only published in the San Francisco newspapers on November 12, 1902, and sent broadcast throughout the country by the Associated Press, but complete copies of the report itself were transmitted to the Interior Department and General Land Office, and are still on file in those offices.

In that report, fully fifty specific charges of fraud were alleged, and yet, in the face of this evidence, Commissioner of the General Land Office R. A. Ballinger, during his visit to the Pacific Coast in the Summer of 1907, in the course of an interview in the San Francisco Examiner, is quoted as declaring that his Department would make no effort to investigate the Walker entries unless the California State Mining Bureau, or others equally interested, should furnish the General Land Office with "specific charges" of fraud! Just as if it is at all necessary for any State officer to call the attention of a high Government official to matters affecting the public domain of the United States!

It is an episode of history that Nero fiddled while Rome was burning, and it is self-evident that Commissioner Ballinger is a firm disciple of the doctrine that there ought to be a repetition of history, whether the people want it or not.

At the door of avarice can be laid all the sins of the land frauds, and this trait is responsible for the ultimate undoing of the perpetrators. Had Mays, Jones or Kribs been liberal enough not to have allowed avarice to blind them, and had come to Puter's rescue with bonds after his conviction in the 11-7 case, he would have been the last man on earth to have exposed them, and it stands as an indelible record that Puter's co-operation with the Government was the key that unlocked the vaults of corruption, and furnished the means by which United States Senator Mitchell, and others in high official power, were made to suffer for their offenses.

It was the narrow, selfish natures of this trio that made them afraid of their souls, and caused them to tighten their purse-strings when their old associate in crime pleaded with them for the small boon of freedom. Ready to put up thousands or any unlimited amount when it came to a question of bribery or the corruption of public officials, they were too deeply impregnated with the germs of covetousness, too much the slaves of greed, to chance the loss of a picayune, even though well aware that by reason of their complicity in his fraudulent operations they were completely at his mercy, and that their indifference to his fate was planting in his breast those seeds of hate and revenge whose harvest must be their own dishonor and downfall.

Had Senator Mitchell refrained from making his unfortunate speech in the United States Senate immediately after his first indictment, the probabilities are that the full measure of his infamy would never have been known, because what he said upon that memorable occasion amounted to a challenge for Puter to do his worst, and I have no desire to rake up the dead past to show what that all meant.

It is idle for Eastern magazine writers of the "slobbery" variety to declare that Puter's so-called confessions were brought about by detective ability of the "sixth sense" order. I am in a position to state authoritatively that he went to Heney on his own volition, exactly as he has described in one of the chapters, and gave to the Government the information that sounded the doom of the Oregon land frauds.

Those who profited most by Puter's fraudulent operations had recognized in him a daring spirit whose early environs had stamped him with courageous instincts, and they knew he was not afraid to take chances—with law or anything else. They found out that they could use him as a battering-ram to break the laws, and open the doors to a vast treasure trove. Sordid motives were behind all their concern for Puter, and when the time came—as come it must where dishonest methods are the incentive—and they realized that the "jig was up," they deserted him as rats leave a sinking ship. To them he was simply a worked-out gold mine, and with all their assumed superior intelligence, blunted, perhaps, by constant contact with greed, and with minds intoxicated by the stimulant of illegitimate gain, they were unable to cope with the problems of retribution—the unexploded blasts in the abandoned shafts.

To Ethan Allen Hitchcock, ex-Secretary of the Interior, must be attributed the principal credit for the suppression of the land-fraud evils, and his greatest luster shines forth as a limelight upon the class of enemies he has made by the operation. Every scoundrel in the land has denounced him for doing what they well knew was his plain duty as an honest official, and if any reward must come to him, it must be in the future from the hearts of a grateful people, and not from politicians.

If doubts have ever existed as to the necessity for the adoption of stringent measures that marked the prosecution of those involved in the crime of looting the public domain, I am reasonably sure a perusal of these pages will have a tendency to remove any such feeling, and convince the most skeptical that Secretary Hitchcock was actuated by sound and lofty motives when he throttled the land-grabbers with the iron hand of the Government. That he did so at an opportune moment, none can deny, because he was dealing with an element that had become so bold in their designs that they felt themselves above the law, and it was a case of a desperate ailment requiring a desperate remedy.

The influence of any class imbued with corruptive methods is detrimental to the best interests of a community, and there is no use in denying that those who have been instrumental in causing so much rank perjury in connection with the acquisition of titles, are responsible for a condition that has left its mark upon the people of the public land States in a manner comparable to the trail of a serpent.

There is a compensating side to these land frauds, after all. The fact of attempted fraud of so stupendous a character discloses in itself that the prize was great which moved men to chance their reputations and jeopardize their personal liberty. They were at least seeking something that was worth the having. Men are not likely to take these risks unless the inducements are sufficiently alluring to excite, to the last degree, the cupidity in their natures. This does not involve any defense of fraud. It simply brings to the attention of the world, through this medium, the marvelous opportunities for the honest acquisition of wealth that abound in the West.

The history of any great undertaking wherein exploration has figured, and wherein conditions have demanded the exercise of abnormal energy, indicates clearly that there is nothing in the world worth having that can be attained without a compensating hardship of some sort. The gold of the Klondike was buried far below the surface in icy moss; the treasures of Tonopah and Goldfield lie deep beneath the sands of an appalling desert; and so of the vast domain of Oregon, with the immense wealth that is wrapped up in its undeveloped forests and stock ranges; they offer difficulties in the way of acquisition by legal process that have moved men to criminal expedients that the road through honest attainment might be shortened.

It might be erroneously supposed, because of this criminal activity, that there was lack of opportunity for the honest acquirement of public land in this State; that as a matter of fact such land was scarce. The contrary is the case. There are millions of acres of Government land lying within the borders of Oregon. By far the greater portion of it is subject to entry on a legitimate basis and in various ways. In short, the opportunity has ripened since thieves have been run to cover for bona-fide settlers to come forward and secure the cream of this immense domain.

The land area of Oregon is more than 66,000,000 acres. Of this 17,730,000 acres is vacant Government land, available for settlement, according to the last report of the Commissioner of the General Land Office. That it varies in character goes without saying, but there is a sufficiency of most excellent quality to induce any honest citizen to become a prospector upon a legitimate basis, with the view of acquiring a homestead or timber claim. The land laws of the United States are liberal enough to suit every requirement. They were framed originally to encourage the settlement of the country. In many localities chances offer for a person to obtain temporary employment in the neighborhood where he desires to locate, which brings to hand a measure of income while he is proving up his claim in accordance with law. He is permitted to do this under the regulations of the Land Department, providing, he does not abuse the privilege.

Soil that is rich enough to grow pine trees of the magnitude that flourish in the Northwest, is certainly sufficiently prolific to produce fruit of the size and flavor that has made this region famous, and which retail in all markets at attractive figures, so the inference is obvious, and the value of logged-off lands for agricultural purposes has been thoroughly demonstrated in every section of the Northwest.

That this book will be found unique in many respects, is a foregone conclusion. Probably no other work of similar import has ever been published, and in all human probability, occasion may never again arise for its counterpart, because the inspiration for the idea was based upon conditions that are fast disappearing, and the reign of the landgrabber, of the type with uncouth methods, like the rapidly dissipating ranks of the buffalo herds, the decadence of the red men, and the passing of all that goes to make up the picturesque features of Western history, has departed forever, and as a class that has been considered in these pages, they have made their last stand of any serious consequence on this continent. In their stead has arisen a new generation of plunderers, more subtle and swift in their operations, because the looting of the public domain has now become one of the gentler arts, and the "dummy" timber entryman and perjured homesteader, with their ways redolent of the frontier, have given place to the polished enactments of a subservient Congress, which is interpreting the land laws to meet the requirements of greedy corporations, without any heed whatever to the people's rights.

It is noteworthy that the contents of this volume furnishes an object lesson in support of the idea that there is remarkable similarity in all fraudulent enterprises, and that the scheme of looting the public domain is merely a by-product of the general system of plunder running riot throughout the country. The same tools are used upon all occasions where it is found expedient to rob the people. The same Courts are tampered with, the same members of both branches of Congress are in line, and the same heads of Departments in Washington are polluted each time, until it has come to be regarded as certain that vast interests have fattened on the life-blood of the nation by process of having a veteran force at their constant command. It goes to show that there is a close bond between the plunderers of every description, upon the same principle that there is honor among thieves, and they have developed a vein of activity in this country that has its parallel in the history of the downfall of the Roman Empire.

No nation can long survive the reign of corruption that has characterized the speculative craze existing in America during the past decade. It has permeated all branches of public service, and the history of the land frauds of the West is the history of corruptive tactics in other directions. Corruption is a hydra-headed monster of hideous mien, and the fact that it has been exposed wholesale by the land fraud trials in Oregon, and the graft prosecutions in San Francisco, and in retail fashion in other States and other cities, should never be accepted that it is dead beyond all power of resurrection.

Portland, Oregon, March 10, 1908.

Buffalo Head on Wyoming Plains

Pater's old home in Humboldt County, Cal. It was here the author was reared. When scarcely 19 years old, he built the house and barn almost without assistance Pater may be observed standing by his sister—on horseback

Chapter I

Early life of Puter in the California Redwoods, showing how he was reared amidst scenes of turmoil and bereft of refining influences—Details the Indian outbreak of forty years ago, wherein his childhood home was reduced to ashes—Gives his experience as a lumberman and practical logger—Also tells the story of his initial connection with Government Lands, and how his environs were such as to inspire him with a desire to prey upon the public domain—Describes the first fraud of any consequence under the Timber and Stone Act of June 3, 1878.

By S. A. D. Puter

I WAS BORN January 6, 1857, in Trinity County, California. Two years later my parents moved to Humboldt County, in that State, where my father purchased the possessory title to a homestead claim on Mad River, about twenty miles north of Eureka. Here I was reared, leaving there in 1888 and moving to Oregon, living in Portland until 1902, at which time I took my family to Berkeley, California, where they now reside.

Our family consisted originally of three sons and four daughters, but of these, only four of the children survive—Lawrence F. Puter, an attorney of Eureka, California, and one of my counsels in the Township "11-7" case; Lucile, the youngest sister, wife of Robert Sawyer, of Los Angeles, California; Daniel, at present engaged in mining in the State of Idaho, and myself.

During 1861-62, when I was but five years old, the Indians broke out in Humboldt County, killing a number of farmers and stockmen while on the warpath, and burning and destroying a great deal of property belonging to the settlers thereabouts, our home being among the first to suffer in that respect, on account of its isolated position. After this episode, father moved the family into the town of Arcata, which is situated on Humboldt bay, twelve miles north of Eureka, and with a number of other men, formed a military company and inaugurated a vigorous campaign against the redmen, completely subduing them at the end of two years' fighting. In 1864 father went to Idaho and engaged in mining, leaving his family in Arcata. Two years later our claim was "jumped" by squatters, as we had never completed the title on account of the depredations of the Indians. As soon as my mother learned of the situation, she moved the family back on the place, where we lived in a shack during the summer and winter of 1866 and up to the fall of 1867, when my father returned from Idaho, remaining with us on the ranch until his death in 1886.

My educational advantages, as may be imagined, were very limited, and were confined to short terms in the public schools of Arcata during the summers of 1865-66. I was then but nine years old, and as we moved back on our ranch in 1866 I had no opportunity for attending school until 1873, and then only in the summer of that year and the year following, on account of the great distance the school house was from our ranch. Whatever knowledge I have acquired has been picked up in my business transactions throughout the country.

During father's absence in Idaho, the family experienced many hardships and privations, particularly so after being forced to return to the ranch, as the place had not been under cultivation for some years and we had no money with which to purchase farming implements of any consequence, depending entirely upon such work as could be done by hand in the way of raising garden stuff. We had no horses, nothing, in fact, in the livestock line but one cow. Fresh meat was an unknown quantity to the Puter family during those days, except at such times as I might trap a quail or snare a cottontail rabbit, of which there was plenty to be found.

I had the good fortune, shortly after we returned to the farm, to kill a fine buck elk, that probably weighed upwards of 700 pounds. It had frequently shown himself at the edge of the timber, near the prairie where we lived and within a quarter of a mile from our shack. Our sole firearm consisted of an old Springfield musket, of the pattern used during the rebellion, and as I was only nine years old, my mother hesitated to allow me to try my luck, fearing that, should I only wound the big buck, he might turn and kill me. It was just at a time, however, when the smaller game had not been particularly plentiful and we felt that we must secure that meat—at least, that was my way of viewing the matter. Besides, I wanted to show the folks that I wasn't quite such a boy as they imagined, and the killing of that elk, in my mind, would place me on a par with the position I sought to occupy in my father's absence—that of being looked upon as "the man of the house." As his elkship was even now in sight, I pleaded so hard and convincingly regarding my ability to bring him down at first shot, that mother finally consented to my shouldering the old musket, and I was off.

Taking a circuitous route, I emerged from the timber in the rear of the point where I had last noticed the elk feeding, and crawled through the grass and weeds to within fifty paces of where he was standing, and where there was a mound of earth on which to rest the musket. No doubt it was placed there through providential kindness, as my arm was too short to reach around the stock of the gun and pull the trigger with my finger, so it became necessary for me to find a rest for the heavy musket before I could proceed with the work of execution. Having placed my gun in position, I took aim and fired, the ball striking the animal in the shoulder and killing him instantly. I did not move from my position until the smoke had commenced to clear away, and not observing the elk, I rushed to the spot where he was last standing, where I found him kicking on the ground and noted, happily, that my work had been complete.

My mother and sisters, who had been anxiously awaiting developments, and watching the elk from the shack, could see him fall at the crack of the gun, and, needless to state, they lost no time in coming to where I was standing, alongside that vanquished "king of the forest."

The excitement and joy that took possession of the Puter family for the time being was without limit. We all knew, of course, that there was meat enough in sight for many months to come, and incidentally, it might be said, mother patted her boy and complimented him for his prowess, for now, indeed, he was a real man. The question then arose as to how we should get our prize to the shack, so we decided to quarter him first, but found, because of the great weight, that the combined strength of the entire family was not sufficient to drag a single quarter, say nothing about lifting it; so we were obliged to cut the meat up into smaller pieces, after which our nearest neighbor, who lived four miles distant, was notified of our good fortune, and he proceeded to Arcata for sufficient salt to cure the meat.

My first experience with the public domain occurred during the summer of 1875, at which time I was engaged as an axman by Deputy United States Surveyor Forman, who had a contract to subdivide several townships of timber land in the vicinity of our Humboldt county ranch. I became so proficient in my duties that after blazing the lines and marking the witness trees for a few months, I was placed in charge of a crew and manipulated the compass.

As soon as the survey of the township had been approved by the United States Surveyor-General, there was a rush for timber claims. By reason of my field work on the survey, I gained a knowledge of all the desirable claims in the tract, and located a number of applicants, charging them $25 each, at the same time taking a contract to build them a cabin on their claims for $25 additional. The cabins so constructed consisted of a shack made out of shakes or split boards,

from the timber on the claim, the size of each cabin being 12 by 16 feet and 7 feet high, one window, board floor and wooden fireplace. There were no other signs of habitation or cultivation whatsoever, the building of the cabin being the only improvement made on a pre-emption or homestead claim in those days. The entrymen hardly ever slept over night there, although they made final proof within eight or ten months from the date of filing, wherein they alleged a continuous residence.

Soon after proof was made, I negotiated the sale of this tract to a Eureka capitalist for sums ranging from $800 to $1200 per claim. Later, the purchaser sold to the California Redwood Company for $25 per acre. The latter corporation transferred the tract to the Humboldt Mill & Lumber Company, which erected sawmills and commenced the manufacture of the timber into merchantable lumber. At the present time, the timber on these lands possesses an intrinsic value of from $200 to $300 per acre.

I gradually learned the business from the felling of a tree down to the rolling of a log from the landing into the mill pond. I worked in the redwoods, logging for some ten or twelve years, part of which time I engaged my services to others, while for several years I contracted on my own account and personally drove a twelve-horse team, hauling logs on a skid road to the landings.

The first big fraud under the Timber and Stone Act of June 3, 1878, that ever occurred on the Pacific Coast, was consummated in Humboldt County, California, during 1882-3. In 1876, Mr. Forman, the Deputy United States Surveyor for whom I had formerly worked, took a contract to survey a number of townships covered with a dense body of redwood timber in the northern part of Humboldt County. As soon as the land was surveyed and thrown open to entry, the California Redwood Company, with offices in Eureka, began to hire men to file on the entire tract under the Timber and Stone Act referred to. At that time, the persons desiring to avail themselves of its provisions, were not required to make a personal examination of the portions they wished to file on, nor were they obliged to go to the land office to make final proof. All that was necessary in this connection was for the entryman to appear at the land office at the time of making the filing, exhibit his first papers to show that he was either a citizen of the United States, or had declared his intention to become such, or, in the case of his being a bona-fide citizen, to make oath to that effect, and his entry would be allowed. This law has since been amended, so as to necessitate the personal appearance of the entryman at the land office, both at the time of filing and when making final proof.

Under these conditions, the company was enabled to run men into the land office by the hundreds. I have known agents of the company to take at one time as many as twenty-five men from "Coffee Jack's" sailor boarding house in Eureka to the county court house, where they would take out their first papers, declare their intention to become citizens of the United States, after which they would proceed direct to the land office and make their filings, all the location papers having previously been made out. Then they would appear before Fred W. Bell, a notary public, and execute an acknowledgement of a blank deed, receive the stipulated price of $50, and return to their ships, or to the boarding house from whence they came. The description of the tract filed on was afterwards inserted and the transfer of title completed to the corporation. As fast as this land came into the market, the company gobbled it all up in this fashion, and as soon as the whole tract had been secured, they sent their representative, Edward Everdeen, who was then connected with the Humboldt County Bank, to England, where a sale of the entire body of land embraced in a number of different townships, was consummated to a Scotch syndicate.

Pending the transfer to the Scottish syndicate, the California Redwood Company was pulling out the patents to the different claims pretty fast, and at a cost of $25 each. Concluding that they could get the patents more quickly and at a cheaper figure, by sending their own attorney to Washington, D. C., they adopted this course, but it proved disastrous, as the General Land Office evidently became cognizant of the fact that there was an abnormal rush for the issuance of patents, and it excited their suspicions that a fraud was being perpetrated. In consequence, all the unpatented claims were suspended by order of the Commissioner of the General Land Office, and special agents sent out to investigate and report on the status of the entries.

The first agent that put in an appearance was soon picked up by the company at Eureka. His report to the Commissioner did not indicate that any frauds were being committed, and other agents that followed him told the same story, because they, too, had been bought off. Special Agent B. F. Bergin, the fourth one sent out, was made of the right kind of stuff, and could not be purchased, and as a result of his report to the General Land Office, between 150 and 200 of these entries were immediately suspended and were later cancelled altogether, involving the forfeiture of all moneys paid thereon, including the purchase price of $400 per claim, together with all land office fees. The $50 paid to each of the entrymen, of course, was also lost to the company, and while it was considered that these rights were purchased at a low figure, which would have been true had the deal gone through, the company was at no small loss on this account alone. The expense of maintaining their agents, too, amounted to a large sum of money, and while I would not care to venture a guess at the total amount squandered on this venture, it can safely be said that it aggregated a small fortune.

Many of the company's principal agents were indicted by the Federal grand jury because of their connection with the transaction, and their cases were carried through the courts from one administration to another at an enormous expense. These cancelled entries were afterwards filed on by bona-fide settlers residing throughout the county, they making final proofs and receiving patents to the same.

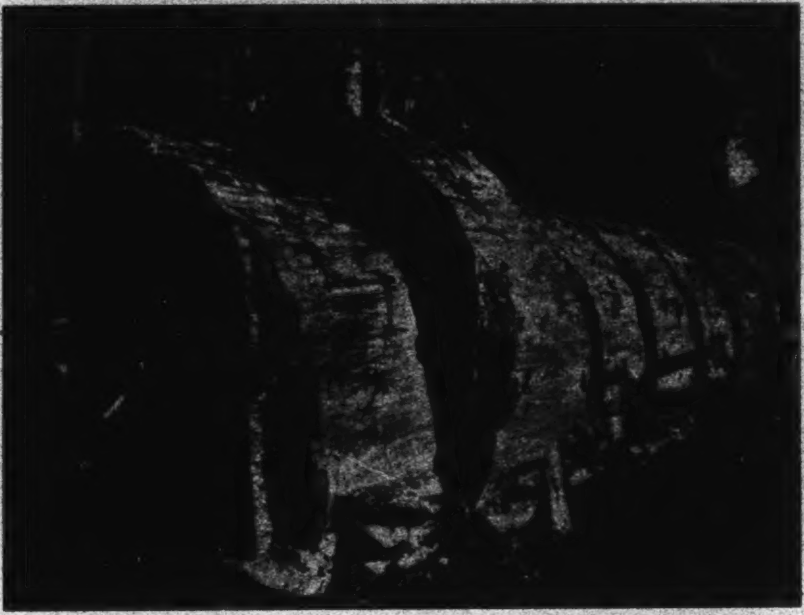
Having participated in the survey of these lands, and located a good many people thereon, I was familiar with the entire tract, from one end to the other,

One of the Kings of the Redwood Forest
in Humboldt County, California

and well posted on all of the methods that the company had employed in acquiring title thereto. It was only three years ago, in fact, that I went down to Humboldt County with C. A. Smith, a millionaire lumberman of Minneapolis, Minn., and sold him 30,000 acres of this same tract, which had been cancelled and relocated by citizens of Humboldt County. I shall have occasion later to make reference to the Smith deal.

After the big frauds in Humboldt timber lands had been exposed, and the titles to the bogus entries suspended, and while the prosecutions against the company's agents were still pending, the whole county became seized with a feeling of depression and times were very dull there. I continued to work in the logging camps until 1888, when I decided to seek fresher pastures in Oregon.

Upon my arrival in the new field, I found the land business booming, every hotel in the timbered sections of the state being crowded with timber land speculators, cruisers and locators. I went into the locating business the first thing and continued to do a land office business for two years. This was in 1889 and 1890, and during all this time, the woods were fairly alive with timber men.



A fallen redwood giant

My earlier experiences in California enabled me to grasp conditions quite readily, and become acquainted with the most desirable tracts in short order; consequently I soon got into the swim. Moneyed men were here from Michigan, Wisconsin, Minnesota, and other Middle West States, eager to make investments and grasp the unlimited opportunities offered of reaping big returns, and as a result, thousands of men were sent into the forests of Tillamook and Clatsop Counties, Oregon, as well as throughout various sections of Washington, to file on timber claims, and in nearly every instance, the entrymen had contracted in advance to transfer their titles to some lumber company, or syndicate of Eastern capitalists.

The Timber and Stone Act of June 3, 1878, was the favorite method of acquiring title at that time, as the Forest Reserve Lieu Land Act of June 4, 1897, (commonly known as the "scripper law,") had not then gone into effect, and titles could be rushed through much quicker than by the pre-emption or homestead laws. Some state lieu land selections were made, but this form of "scrip," so called, was too scarce to be available for the purchase of large bodies of timber.

In the meantime, the timber lands continued to be turned over to the different lumber concerns, and the various land offices throughout Oregon had more business than they could conveniently attend to. As a matter of fact, the Oregon City Land Office was obliged to suspend business for several weeks, in order to catch up with the accumulated work, the timber filings were coming in so fast.

The increasing demand for patents at this office also aroused the suspicion of the officials at Washington, and special agents were sent into the field for the purpose of making investigations, which action had the effect of suspending a great many patents, as well as the holding for cancellation of a large number of entries. There was considerable talk of indictments by the Federal grand jury, and it had a tendency to make the land business unpopular for the time being, the land grabbers having about all they could do to keep out of jail, as well as to preserve their titles. However, in spite of all the storm of indignation that seemed to have pervaded the Governmental atmosphere, there were comparatively few actual cancellations, the special agents, as usual, standing in with the land grabbers.

Out of all the howl about frauds in those days, there were but two convictions, Stone of Seattle, and Diamond of Portland, both of whom were locators—the former for subornation of perjury, and the latter for conspiracy. They represented the sole production of gems from the Government's operations, among the various gigantic mines of iniquity existing in those days. Allowing for the immense harvest which had been gathered in by these two men, and the moderate sentences imposed, their incarceration in the Government penitentiary was referred to as a trifling matter, for whatever the price they may have paid in the way of humiliation and lost time, as against the hoards they had amassed and deposited for their future comfort, it was often said of them that they had bargained well.

Thousands upon thousands of acres, which included the very cream of the timber claims in Oregon and Washington, were secured by Eastern lumbermen and capitalists, the majority of whom came from Wisconsin, Michigan and Minnesota, and nearly all of these claims, to my certain knowledge, were fraudulently obtained.

As to the special agents sent out by the Government, they were picked up, each in turn, as they appeared upon the scene, and with the capitalists and locators standing hand in hand, it was an easy matter, with the aid of these agents, to baffle the Government in its attempt to secure evidence.

Desert Automobiles

Chapter II

Stephen A. Douglas Puter meets Franklin Pierce Mays, and the pair form a mutual admiration society, which ripens into a business relationship of many years' standing. He also comes in contact with Willard N. Jones, and subsequent events indicate that there was all kinds of pleasure and profit in the association of the Triumvirate. Describes some of their crooked transactions in connection with the public domain, and also tells how Ex-Surveyor-General Meldrum refused to be buncoed. Operations of Puter and Jones result in a criminal proceeding of a "hold-up" character, and marks the Land-Fraud King's first appearance as a defendant.

DURING the Fall of 1890, Franklin Pierce Mays was United States Attorney for the District of Oregon. I first met him at the U. S. Surveyor-General's office, which was then located in the present postoffice building and on the floor above Mr. Mays' office. As I was frequently in the Surveyor-General's office examining the field notes of different townships, and was brought into contact there with Mr. Mays on numerous occasions, he was acquainted, of course, with the nature of my business, and he came to me personally with the expressed desire of making my acquaintance. I was glad, indeed, for the opportunity, as I had learned previously that Mr. Mays was somewhat of a land speculator himself, and being United States District Attorney, I considered him a good man to stand in with.

Mays said he had learned of my being in the timber land business, and after we had discussed the situation for some time in a general way, he expressed a desire to get hold of some first-class timber land. I promised to keep him in mind, and offered to advise him of the first good chance. Shortly after this I secured some fine timber lands in Lane County, Oregon, for him, and also located him on an extra good school section in Tillamook County, Oregon, being Section 36, Township 3 North, Range 7 West. Mays then wanted to introduce me to a man by the name of Savery, stating that he was a special agent of the General Land Office, was stationed at the Oregon City Land Office, and had full charge of the Government lands within the confines of that district. He suggested to me that Mr. Savery would be the right kind of a man to stand in with, and that I had better locate him on some good timbered school section. As in the case of meeting Mr. Mays, I was glad to learn of this opportunity to make a new friend, more particularly on account of the gentleman's position and the influence he might wield in my behalf, and I was frank to inform Mr. Mays that the pleasure would be all mine, and that I would gladly meet his friend at their convenience. Some time later when calling on Mr. Mays in his office, he introduced me to Special Agent R. G. Savery, Jr., and I located him on just such land as he was desirous of securing.

From my first acquaintance with Mr. Mays and up to the time of my conviction, I consulted him in regard to a large majority of the deals in which I was interested, in many of which he became identified with me, both in State and Government lands, besides acting as my attorney from the beginning.

During the Summer of 1891, my first acquaintance with Willard N. Jones began. Our initial meeting was also in the United States Surveyor-General's office in Portland, which seemed to have been fated as the trysting place of men who have since assisted in making land fraud history in Oregon. Jones was then a civil engineer by occupation, and his business brought him frequently to the Surveyor-General's office. He learned that I was in the timber business, and shortly after our first acquaintance, wanted to go in with me on some sort of timber land deal. He represented that he knew a number of lumbermen residing in the States of Minnesota, Wisconsin, Michigan and Pennsylvania, who would be willing to invest in a tract of good timber on the Pacific Coast. At that time, nearly all the best surveyed timber lands had been bought up, so we concluded that the most feasible plan would be for us to find something in the line of unsurveyed lands that would meet the requirements, get it surveyed, locate a lot of men on it, furnish them the money with which to make final proof, and obtain title in that way, under the Timber and Stone Act of June 3, 1878.

The tract we selected was in Township 3 North, Range 7 and 8 West, on the Nehalem River, in Tillamook County, Oregon, one of the finest bodies of yellow fir timber in the whole State. After cruising the tract to ascertain how many quarter sections could be obtained in one body, we came to Portland.

Jones then went East to consummate a deal, and soon returned with a man by the name of Lumbarger. We took him over the tract to see how he liked it and he was delighted with the timber and entered into a contract with Jones and myself, he agreeing to advance the sum of $750 a claim, or quarter section of 160 acres, so as to enable us to procure titles to the claims, promising to take as many of them as we could get. We, in turn, agreed to deed to Mr. Lumbarger as fast as proofs were made, an undivided one-half interest to each claim so purchased.

The next move was to find people to locate on the land, and in short order we found all we wanted in Portland and Albina, a suburb of the latter city.

We then proceeded to enter into a contract with each person, whereby we agreed to locate them on the land, we to pay all expenses in the way of railroad fares in going to and from the land, besides the land office fees, and to advance the money to pay the Government at the time of final proof. In return, the entrymen agreed to deed the land to Jones and myself, as soon as final proof was made, for the sum of $750 a claim, all costs and expenses in procuring the titles to be deducted therefrom, and the balance to be paid to each one upon receipt of his deed.

The understanding was that each person was to file on two claims; one under the Timber and Stone Act of June 3, 1878, and the other under the Homestead law, the latter to be commuted to a cash entry after 6 months' residence. The cost of each claim was about as follows:

COST OF HOMESTEAD ENTRIES:

Building cabin - - - - - - - - -	$ 10.00
Filing fee, advertising and final proof at Land Office	25.00
Government price of land - - - - - -	200.00
Total - - - - - - - - - - -	$235.00

This amount, deducted from $750, left a balance of $515, which was to be paid to the entryman upon receipt of a deed to his homestead.

COST OF CLAIM UNDER TIMBER AND STONE ACT.

Filing fee, advertising and final proof at Land Office	$ 30.00
Government price - - - - - - - - -	400.00
Total - - - - - - - - - - -	$430.00

This left a balance of $320 to be paid to the entryman upon receipt of a deed to his claim under the Timber and Stone Act.

After having a fair understanding with all of the men, contracts were drawn up and each one signed them, Jones and myself retaining the documents. In all, forty persons were contracted with in this way, each to take two claims as indicated, making eighty claims in all, or a total of 12,800 acres.

The next move was to locate the people on the land. Two trips were necessary in doing this, twenty persons being taken at a time. The land had previously been surveyed, but not accepted, so there was no trouble in locating each party on the particular tract previously contracted to file on. The location consisted in laying the foundation for a cabin; four poles in the form of a square, and a notice posted on a tree. At the same time, each person made an examination of the quarter section he was to file on under the Timber and Stone Act.

The next proceeding was to build the cabins on the different quarter sections, calculated to be filed on under the Homestead Act. We hired two Swedes at $1.50 per day, each, and furnished them with a tent, provisions and tools, and set them to work constructing the shacks, or cabins, after which we initiated efforts in the direction of having the survey of the township approved by the government.

The facts in regard to the survey of this tract of timber land are as follows: Henry Meldrum, a United States Deputy Surveyor, who was later appointed Surveyor-General of the State of Oregon, but afterwards removed from office and convicted for his complicity in making fraudulent surveys, had surveyed this tract in 1889, under contract from the Government. Meldrum completed his part of the contract, but the Commissioner of the General Land Office suspended the survey for the reason that sufficient funds had not been appropriated to cover all contracts of this character. Mr. Meldrum's contract, however, was approved in 1891, and sufficient funds appropriated for the purpose, so it became necessary for him to re-survey the land.

While Meldrum was engaged in doing this, Jones and myself met him on the land on several different occasions, and we entered into a contract with him, whereby we agreed to pay him $5 each for inserting in the field notes of the survey and on the plats, the names of all the homesteaders located on the land by us, Jones and I agreeing to furnish the names of the claimants, and the description of the land each one was to file on.

Mr. Meldrum complied with his part of the contract, and inserted all of the names that we gave him in the field notes of the survey, as well as on the official plat of each township. Our reasons for wanting these names inserted in the field notes and on the plats, was in order to keep other locators from rushing in and settling on the land after the acceptance of the survey; actual settlers in a township having a preference right for ninety days after an official survey has been made, and the plats thereof filed in the local land office. We also wanted to make it appear that our homesteaders were bona-fide settlers, and were living on the land prior to survey.

Now, as we had the cabins all built, and notice was posted on the land showing the name of the claimant, and describing the particular quarter section that he claimed, and his name appearing in the field notes, it was not at all likely that any one would squat on the claims; so it only remained for us to wait until the survey was approved by the United States Surveyor-General and the township thrown open to entry.

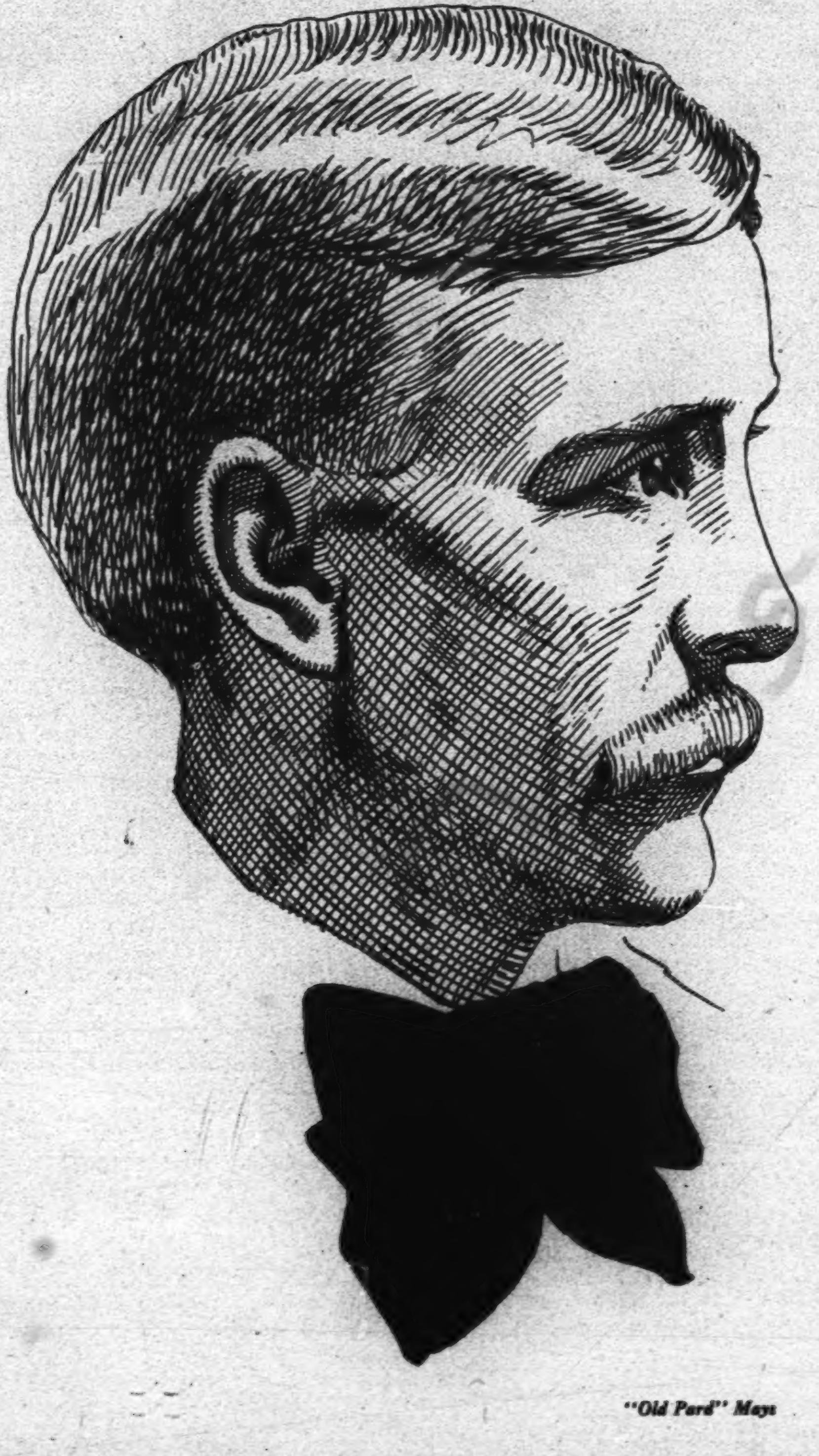
While waiting for the land to come into market, which would not be until November, 1892, Jones and I concluded to make an abstract of the State school land for the purpose of ascertaining how much, if any, indemnity lands the State of Oregon was entitled to. This required about two months' work in the State Land Office at Salem. We found several thousand acres still subject to use as lieu by the State, and this base we sold at the rate of $2.50 per acre, which, after paying the State price of $1.25 an acre for the land embraced in the selection, netted us $1.25 per acre profit.

The rule of the State Land Board at that time was that any person who should indicate to the Clerk of the School Land Board where there was any indemnity land that the State was yet entitled to, would be allowed to select the same amount of Government land within the State that was vacant. Under those conditions, Jones and I were doing a land office business in State indemnity lands, until trouble arose between us, and we dissolved partnership.

This was in the Fall of 1892, and the cause of dissolution of partnership arose from the fact that Jones made a proposition to take Geo. W. Davis, Clerk of the State Land Board at Salem, in with us on all State Land business that we put through the State Land Office, the idea being, that by so doing we could monopolize all of the State indemnity lands, and shut E. P. McCornack, Jack D'Arcy, and W. T. Rader out of all the indemnity business, especially E. P. McCornack, he being the principal operator. These three, aside from Jones and myself, were the only dealers in State indemnity lands at that time in the State of Oregon.

Jones' proposition was to pay Davis fifty cents per acre for all the indemnity lands put through. This I objected to, as Davis was working with us then, and doing everything we required for less than half that amount, and as the profits were only $1.25 an acre, fifty cents was too much to pay him. Besides, I did not think we could shut E. P. McCornack out, as he was too big a fish, and too old at the game.

Jones, however, did not view the matter in the same light, and insisted that Davis must have fifty cents per acre on all indemnity lands, and claimed to



"Old Pard" Mays

have already made an agreement with him to that effect. I was still confident, notwithstanding this fact, that McCornack could not be hindered materially in his operations, and as Jones suggested that, rather than jeopardize his own interests he would prefer to go it alone, I agreed that it would be the better plan, and our partnership dissolution was the result.

This break in our business relations, however, was not supposed to affect the understanding between us in regard to the forty persons located on eighty claims in Township 3 North, Ranges 7 and 8 West, in which deal we were equally interested.

Previous to this I had met F. Pierce Mays at different times and he never lost an opportunity of bringing up the "3-7" deal, and would invariably caution me to be careful, stating that he would very much dislike to be forced to prosecute me, on account of the fair manner in which I had treated him in securing certain lands for him throughout the State, as well as school section 36 in Township 3 North, Range 7 West. Mays told me on one occasion that there was a special agent sent out by the General Land Office to investigate the "3-7" deal in which Jones and myself were interested, and that he was onto our scheme, and further, that this agent would be at the Oregon City Land Office to bag those forty homestead and timber entrymen as soon as they made their filings.

I told Mays at this time that Jones and I had no deal on of a fraudulent character, whereupon he informed me that he knew better; that we already had contracts signed by forty people and that these contracts had been placed in a vault in East Portland for safe keeping. Mays likewise volunteered the information that he was familiar with the contents of the contracts.

How Mays should know of the existence of these contracts, and more particularly, how he should be apprised of their nature, and of their place of keeping, was somewhat of a mystery to me, but as I was not much given to talking about my business, or making admissions, I let the subject drop without comment.

It was sometime after the dissolution of partnership between Jones and myself, that I met the latter on the street, and the subject of the "3-7" deal came up for discussion. Jones acted strangely and seemed averse to going ahead with it, declaring that he had been advised by Mr. Mays that we would both be up against it if we made any further attempt to proceed in the matter, and further, that he had learned Mr. Lumbarger, our financial backer, was not disposed to consider the proposition, and would probably attempt to break his contract with us. Jones said I might go ahead with the deal personally, if I felt so inclined, but expressed himself as not willing to take any hand in the transaction.

That settled this deal so far as I was concerned, as I was left without a financial backer, and besides, the time was drawing near for the land to be thrown open to entry.

As the survey of the township had been accepted and approved and was advertised to be thrown open to entry on November 11, 1892, the Special Agent was at the Oregon City Land Office bright and early, waiting to bag the forty homesteaders as soon as they filed. When the land office opened at 9 o'clock and none of the supposed entrymen put in appearance, much to the surprise and chagrin of the Special Agent, he inquired of Register J. T. Apperson, how it was that these parties, whose names were on the maps as bona-fide settlers, had failed to appear and file on their land.

The Register replied that he had that morning received through the mail, an indemnity selection list from the Clerk of the State Land Board at Salem, selecting the entire tract as State indemnity school lands, so all that the special agent could do under the circumstances was to pack his grip and hike back to Washington.

As I had been watching the result of the Special Agent's operations at Oregon City in order to learn how matters terminated, I discovered immediately that the State had filed indemnity selection covering the entire tract of eighty quarter sections, so I lost no time in going to Salem to ascertain in whose interests the selection had been made, and was much surprised, on examining the records, to find that my old friend Jones had gobbled up the land.

It occurred to me that Jones had evidently found a much better and cheaper method of getting those eighty quarter sections than to run chances of attempting to obtain title by filing the forty people under the Timber and Stone Act, and the Homestead law, as was previously arranged. At that time there was a temporary withdrawal of the "Crater Lake" reserve, and I discovered, upon investigation, that Jones had filed applications for the State indemnity embraced in said reserve, selecting in lieu thereof the eighty quarter sections in Township 3 North, Range 7 West.

Some weeks later, the Certificates of Purchase were issued and turned over to Jones. At this stage of the proceedings, I called to mind a certain agreement between Henry Meldrum, Jones and myself, whereby we had promised to pay Meldrum $5 each for inserting the names of settlers on the field notes and plats. As Jones was soon to become possessed of the claims, I thought best to ascertain if Meldrum had received his money and if not, to notify him that I had no further interest in the matter and that he must look to Jones for a settlement. This I did, learning that settlement had not been made, so I notified Jones to meet Mr. Meldrum and myself at the Perkins Hotel in Portland that evening.

When Jones came to the hotel the subject of a settlement with Meldrum was broached, but he refused to pay over the money, nor would he agree to become obligated in any manner for the amount due, stating that the old deal had been declared off and that the lands were now owned by Mr. Mays and himself. Meldrum insisted on some kind of a settlement, stating that he had complied with his contract, and as Jones was to get the land, it was only fair that he should settle. Jones then told Meldrum that it was part of the duties of his office to insert the names of all bona-fide settlers on the field notes and the plat of the survey, and that, if he attempted to make collection for the work involved in the "3-7" case, he would make things warm for him. In reply to this, Meldrum admitted the truth of Jones' contention as regards his duty, but stated that, at the time of inserting the names, he supposed that the "3-7" deal was legitimate, and he wondered at Jones and I making him such a proposition.

However, he had discovered since that the transaction on our part was not on the square, so far as trying to obtain title to the land was concerned, and that, under these circumstances, and because of the fact that we had pulled the wool over his eyes and promised to pay a stipulated amount for services which he would have performed anyway, it was his purpose to see that the bill was paid. As Jones was to have the land, he must pay the fiddler, and to show that he meant business, Meldrum produced from his pocket a telegraph blank, and commenced to write. When he had completed his message, he handed it to Jones and stated that the same would be forwarded to the General Land Office at Washington, D. C., within one hour, unless the amount due was forthcoming. The telegram read, in substance, as follows:

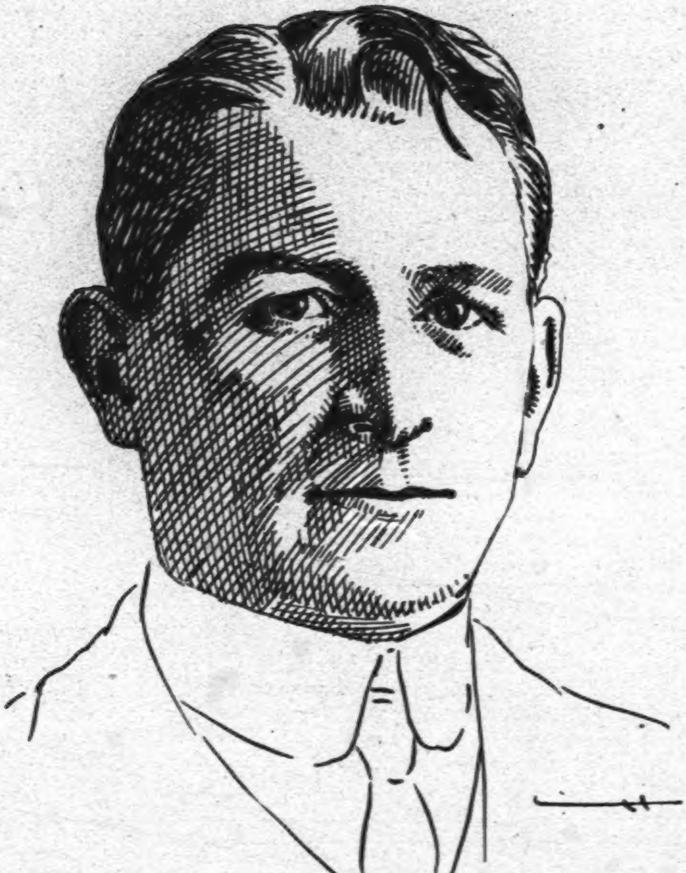
To the Commissioner of the General Land Office,
Washington, D. C.

On November 11, 1892, the Clerk of the School Board of the State of Oregon filed an indemnity selection list in the Oregon City Land Office, embracing all the tracts now occupied by bona-fide settlers in Township 3 North, Ranges 7 and 8 West, Willamette Meridian, using as basis for such selections the school sections lost to the State by the temporary withdrawal within the limits of the "Crater Lake" Reserve, which is not available for that purpose as yet.

(Signed.) HENRY MELDRUM,
Deputy U S. Surveyor.

O. B. Govt-collect.

Upon reading the telegram, Jones asked Meldrum to remain at the hotel until his return, promising to be back inside of an hour, and hurried off to find Mays.



Willard N. Jones, Puter's former pal, convicted in the Blue Mountain Forest Reserve case, with Mays and Sorenson, and with Thad S. Potter, in the Siletz Indian Reservation case

Scarcely forty minutes had elapsed when Jones returned and settled with Meldrum, well knowing that the latter had it within his power to defeat the title completely unless his terms were acceded to.

This being my first intimation that Mays was interested with Jones in these lands, I could readily understand why the United States Attorney was so solicitous of my welfare in advising that I be careful and not get myself into trouble, even going so far as to insist that I would do well to let the deal drop altogether. It developed later, in fact, that Mays had connived with Jones while the latter and I were yet partners, to secure these lands and to beat me out of all interest in the deal.

In thinking the matter over, I concluded that I had no just cause for complaint, as it was a "cold deck" proposition throughout. Jones and I had planned to beat the Government in the first place. I played my hand on the square, as between Jones and myself, but when the third man was introduced into the game, he proved to be too much of a "sure thing" dealer for me, "stacked" the cards to suit himself, and won out.

The whole transaction reminds me of a story told by Francis J. Heney, in speaking of Geo. Sorenson and W. N. Jones (the same Jones with whom I had been in partnership), during the trial of the Blue Mountain Forest Reserve case, when he compared these two persons to a couple of gamblers of whom he had heard, and one of whom, according to the story, suggested to the other, that they call on a certain gentleman that evening, who was fond of playing cards, and have a little social game of "draw," and which suggestion, his friend readily assented to. After the game and while on their way home, the gambler who had proposed the visit, said to the other:

"Well, how did you like my friend?"

"I think he is a d—d rascal," was the reply.

"How's that?" responded the other, in astonishment.

"Because he stole three jacks off my knee," was the rejoinder.

And so it was in the "3-7" deal. I had taken occasion to hold out three jacks, thinking to play them for the benefit of Jones and myself, as against anything that the Government might be able to show down, but "sure thing" Mays forced an introduction into the play and stole my three jacks.

My position in relation to the "3-7" deal, as in the case of the man from whom the "three jacks" had been stolen, did not warrant me in making a "roar," as the saying is; but I was determined, if within the range of possibility, to arrange some kind of compromise, or to "split the pot" as it were. With this object in view, I called on Jones and asked him, straight up, where I got off at on the deal. Jones attempted to treat my claim much as he did that of Meldrum on the start, but when I presented to him the fact of his living in a glass house; that the material was extremely brittle and that, in all truth, it required but the throwing of a small stone to destroy the entire structure, my friend Jones was given something to think about. He then told me, as he did Meldrum, that Mays must be consulted before anything could be done, and in this instance, as in the former, he showed up again and when he came was prepared to settle. This settlement took place on the following day, and resulted in Jones assigning over to me the certificates of purchase to a full section, or 640 acres of this same land, and which I accepted as full liquidation of my claim.

Jones was not out of the woods on this deal, however, by any means. It was probably in the neighborhood of two years after receiving the certificates of purchase, when the forty men, who had previously agreed to take up the land for us, got wind of the fact that the tract had been in the market for some time, and had been selected by the State of Oregon, and certificates issued and turned over to Jones. When this became known to them they pooled their issues and employed an attorney in Portland by the name of D. D. Lynch, to investigate the status of their case, with the result that after he had gone to Salem and discovered the situation, he induced the men to swear out complaints against Jones and myself.

Jones was arrested forthwith in Portland, and immediately wired me at Salem to come down, as he had been taken into custody on account of the Township 3 North, Ranges 7 and 8 West, deal. I proceeded to Portland the next morning, and as soon as I stepped off the train at the East Side station, a warrant of arrest was served upon me by Patsy Eccles, a deputy constable, who took me before a Justice of the Peace, where I found a number of complaints on file against me, my bail being fixed at $500 in each case. However, Mays and Jones arranged for my appearance, in exactly what manner I never learned, and I was allowed to go on my own recognizance.

I consulted with Mr. Mays on the following morning for the purpose of learning what was to be done, and he advised me that, because of the nature of the transaction, as between those forty locators, Jones and myself, it would be best to demand an immediate trial in the Justice Court and to get the matter over with as speedily as possible. Jones was present in Mays' office when this interview took place, and agreed with him that the case should be settled immediately, so as to avoid publicity. Mays acknowledged being interested with Jones in the lands, but said that he was in no wise concerned in the case at issue. He volunteered, however, to lend his advice, and stated that, in his opinion, the whole trouble could be "fixed" for a few hundred dollars. Should the Federal authorities get wind of the transaction, Mays argued, both Jones and myself would very probably be indicted and convicted, as it could be proven that we had written contracts with each and every one of those forty men, and they would show that Jones and I were to become possessed of the claims after final proof had been made and that, because of our having actually taken the men to the lands, which was evidence of our intentions to carry out our part of the agreement, the charge of entering into a conspiracy to defraud the Government could be prosecuted successfully.

Under this showing, it occurred to me that a money transaction would be the best and quickest way out of the difficulty, so I told Mays that I would put up $250, provided he would act as our attorney in the case. Mays replied that he did not care to appear personally, in fact, he did not want to be known in the transaction in any way, preferring to remain in the background, but stated that he would use his influence in a quiet way to our material advantage. Mr. Mays then suggested that we employ Charles F. Lord to defend us, which we did, the case being set for trial in short order.

Before the case came up, Jones came to me and demanded that I contribute $500, instead of $250, the amount originally agreed upon, stating that it would cost him considerably more than that and I should share a larger portion of the expense. This I refused to do, as I had no interest in the lands and was simply giving $250 to have the case quashed in the Justice Court, and for the purpose of keeping it from the notice of the Federal authorities.

On the day set for hearing, both sides had their witnesses on hand ready to proceed. The case, however, never saw the light of day, as Attorney Lord made some sort of settlement with the counsel for the prosecution, whereby Lynch was paid a neat sum of money to have the case dismissed. This fellow Lynch was one of those pettifogging lawyers who make a practice of hanging around police and Justice Courts. The fact is, he had no case in the first place, as the suit had not been brought in the proper court. All he wanted was a chance to make a fee out of the transaction, and this we were only too glad that he should have, in order to dispose of the proceedings and hush the matter up, as we believed, in all probability, the dismissal of this case would close the incident and that no criminal charges would be brought against us.

The actual cost of these claims to Mays and Jones, under this transaction, did not exceed $205 per quarter section of 160 acres, and the same lands were sold during the Spring of 1906 to Wheeler & Cook of Pennsylvania for $30 per acre, or $4,800 per quarter section.

The figure named as the cost of each claim to Mays and Jones, will appear as exceedingly low, but it is nevertheless correct, and I will endeavor to explain my computation thereof, as follows: At the time of procuring titles to the claims in question, all State lands, whether School or Indemnity, were being sold at $1.25 per acre, and any person over the age of 18 years and a citizen of the State of Oregon, was entitled to file on 320 acres of State lands, it being merely necessary for him to appear before a notary public, make application for the land, pay the State one-third of the purchase price, which was $66.66, and receive a certificate of purchase therefor, which could be assigned to any person whomsoever, and the assignee, upon payment to the School Land Board of the balance of the purchase price due the State, would receive a deed in his own name, as if he were the original locator. Jones was therefore in a position to gobble up each half-section of 320 acres at an actual cost of $410, $400 of which went to pay the State, while $10 was given to the original applicant.

The law at that time, but which has since been changed, permitted one person to act as attorney for any number of applicants, he being allowed to file the applications, pay to the Clerk of the State School Land Board the stipulated price, and receive the certificates. Thus Jones, having obtained assignments of all certificates at the time the applications to purchase were made, as they were signed and acknowledged and turned over to him in blank, it only became necessary for him to fill in the numbers of the certificates, together with the description of the lands and date of acknowledgement.

At the time of the trial and conviction of W. N. Jones, F. Pierce Mays and Geo. Sorenson, it was proven that Jones had been successful in reducing the cost of applicants from $10 to $2.50 each, and it has been said, and is no doubt true, that he secured a number of them for a glass of beer.

House made of beer bottles in Tonopah Nevada. Ten thousand bottles incorporated in structure

Chapter III

C. A. Smith, a Minneapolis Millionaire, engrosses the attention of the Land-Fraud King, and their acquaintance ripens into a clever scheme to bunco Uncle Sam out of a vast tract of Oregon Timber. The outwitted Northern Pacific seeks revenge by having McKinley arrested, and is also blamed for reporting the matter to the Government. As a result of subsequent investigations by the Land Department, several special agents fall by the wayside under the mystic spell of Fred. Kribs' tainted money, and the effort to acquire patents on the fraudulent entries marks the first step in the downfall of United States Senator John H. Mitchell.

IN the course of an Eastern trip during January, 1900, I took occasion to call upon C. A. Smith, a millionaire lumberman of Minneapolis, Minnesota, whose acquaintance I had formed previously. At the time of our first meeting, I had given him an option on sixty quarter sections of timbered school lands, aggregating 9,600 acres, situated in Coos and Douglas counties, Oregon. This deal had fallen through for the reason that the tracts were not in a compact body, being merely a portion of the 16th and 36th sections of quite a number of scattered townships.

Although my initial effort to do business with Mr. Smith terminated in failure, it served as an incentive to approach him concerning a proposition of greater magnitude, as I had become more or less familiar with his system of operation, and felt satisfied he was not of the cheap variety, wherever personal interest was involved, and that nothing would balk him in the line of investment, providing there was anything in it for himself.

Upon my second visit, I endeavored to impress him with the idea that I was somewhat of a timber-land plunger myself, and that I was in a position to interest him on a basis that would yield large returns.

Calling the next day, as per appointment, I found him exceedingly eager, as on the day before, to discuss the matter of timber lands and the best method of acquiring title thereto. In fact, we had several conferences upon the subject, all of which were arranged at the suggestion of Mr. Smith.

I felt from the start that he meant business, and was convinced furthermore that he was looking for just such lands as I had in view—those that promised to yield large returns—but was unaware, of course, to what extent he would go in order to secure them, or, in fact, whether there was any limit to his ambitions in that respect. This information, however, Smith divulged to me in his own good time, and in such way as to satisfy me that he would go to any extreme in obtaining vast holdings of timber.

After exhibiting plats showing the lands I had to offer, and explaining all the details incident to prices and the facilities for manufacturing the product into merchantable lumber, he asked me if I was aware of any tracts of good timber that had been surveyed, but which were still vacant and subject to entry, to which I replied that I was familiar with several fine bodies of timber in that condition.

He then inquired if it would not be a more feasible plan, in my opinion, to locate a lot of men under the timber and stone Act of June 3, 1878, furnishing them the money with which to make final proof, and acquire title in that way.

I informed Mr. Smith that the plan outlined would most assuredly be considerably cheaper in the long run, but that it would necessitate the expenditure of a large sum of money at the outset.

Thomas B. Neuhausen, Special Inspector, Interior Department one of Heney's chief aids in the land fraud prosecutions

So far as the money feature was concerned, Smith assured me that he would be only too glad to advance whatever amount was required, provided, however, that I should enter into an agreement with him to attend to all the details incident to the perfection of title.

His proposition met my approbation, and I expressed myself accordingly, whereupon he sought information concerning the probable cost involved by the undertaking.

This I could not state definitely, informing him that it would depend largely upon circumstances. As to the land itself, we knew exactly what the Government price was, as well as the land office fees, but when it came to a question of compensation for the entrymen, prices would vary to a certain extent, as some would demand more than others for their rights.

Mr. Smith was positive that in no instance would the expense of this character be exorbitant, basing his ideas upon the theory that comparatively few men had the necessary $400 with which to make final payment, however valuable the claim might be, and he felt that I would be able to get all the locators I could utilize for sums ranging from $100 to $200 each.

I agreed with Mr. Smith that his figures were doubtless correct, and being mutually satisfied, we entered into an agreement whereby I was to secure from 8,000 to 10,000 acres for him, or as much more as I could get, of good yellow fir timber land, practically in one body, as near to market as possible, and to run at least 50,000 feet of merchantable lumber to the acre, and which was not to cost him over $6 an acre, he agreeing to advance all funds necessary in getting title.

He then gave me a letter to Frederick A. Kribs, his financial agent, who was then in San Francisco, at the same time stating that he would abide by whatever trade I made with Kribs; also, that as soon as I had located a tract and closed a deal with the latter, he would proceed to Oregon and have a definite understanding with me upon the subject, in the form of a written agreement.

Upon my arrival in Portland, I consulted my partner, Horace G. McKinley, in regard to the deal discussed with Smith, and asked him if he knew of any desirable tract that we could get hold of. McKinley declared that he was aware of a large body of land that would exactly fill the bill; that Townships 14 South, Ranges 2, 3 and 4 East, Willamette Meridian, in Linn County, Oregon, had only recently been surveyed, and were covered with one of the heaviest and finest bodies of yellow fir timber in the State, but if he wanted to get in on it we would have to act promptly, as the Northern Pacific Railroad Company had its cruisers on the ground at that time, estimating the timber with a view of making forest reserve selections of it under the "Scripper Act" of June 4, 1897, so we decided to go right to work and get in ahead of the Northern Pacific.

We followed out the plan along the lines originally suggested by Mr. Smith, and were successful in securing a majority of the entrymen required in Portland, the balance being picked up around Brownsville, Albany and Roseburg, Oregon. We had a mutual understanding with each and every person taking up a claim that we would pay all expenses incurred, including that of going to and from the land; going to and from the land office; the land office fees and the cost of the land, and further, that we would allow them $100 each, after they had made final proof and turned over their deeds, which were to be executed in favor of whomsoever we might designate.

The entrymen were taken to the Roseburg land office in bunches of ten or more, as we found it convenient, having arranged previously with the Southern Pacific Company for something like a one and one-fifth fare for the round trip, where groups of ten or upward were transported at one time.

The descriptions of the lands filed on were secured from the Mealey brothers, residents of the Sweet Home country, under a contract to allow them $10 a claim, or quarter section, they guaranteeing each 160 acres so furnished to estimate no less than 10,000,000 feet of good timber. These two brothers, William and "Jud" Mealey, had lived for years within three miles of the tract, and had assisted in its survey, consequently were thoroughly posted relative to the general characteristics of each subdivision thereof. Within a week we had made fifty-seven locations on timber claims, and had recorded the filings at the land office in Roseburg.

Shortly thereafter the Northern Pacific cruisers returned with their reports to headquarters, and C. E. Moulton, agent for the railway corporation, was sent to Roseburg for the purpose of "scripping" the entire tract. When he discovered that the land had been filed on under the timber and stone act, and learned who was behind the scheme, he immediately called on McKinley and myself, and threatened to institute contest proceedings unless we had the timber filings withdrawn forthwith, giving it as his opinion that the claims had not been taken in good faith. We objected, of course, against any such measure, consequently the Northern Pacific filed contests against every entry, and the Register and Receiver of the Roseburg land office set the hearing simultaneous with the date of making final proof on the different claims.

Shortly after this I went to San Francisco to see Mr. Kribs, to whom I explained the entire situation, and he in turn agreed to communicate with Mr. Smith, advising him to come to the Coast immediately, in order that some satisfactory conclusion might be reached regarding the status of affairs. Some weeks later I received a wire from Kribs, announcing Smith's arrival in the Bay City, and requesting me to meet them at Albany, Oregon, at a stated time.

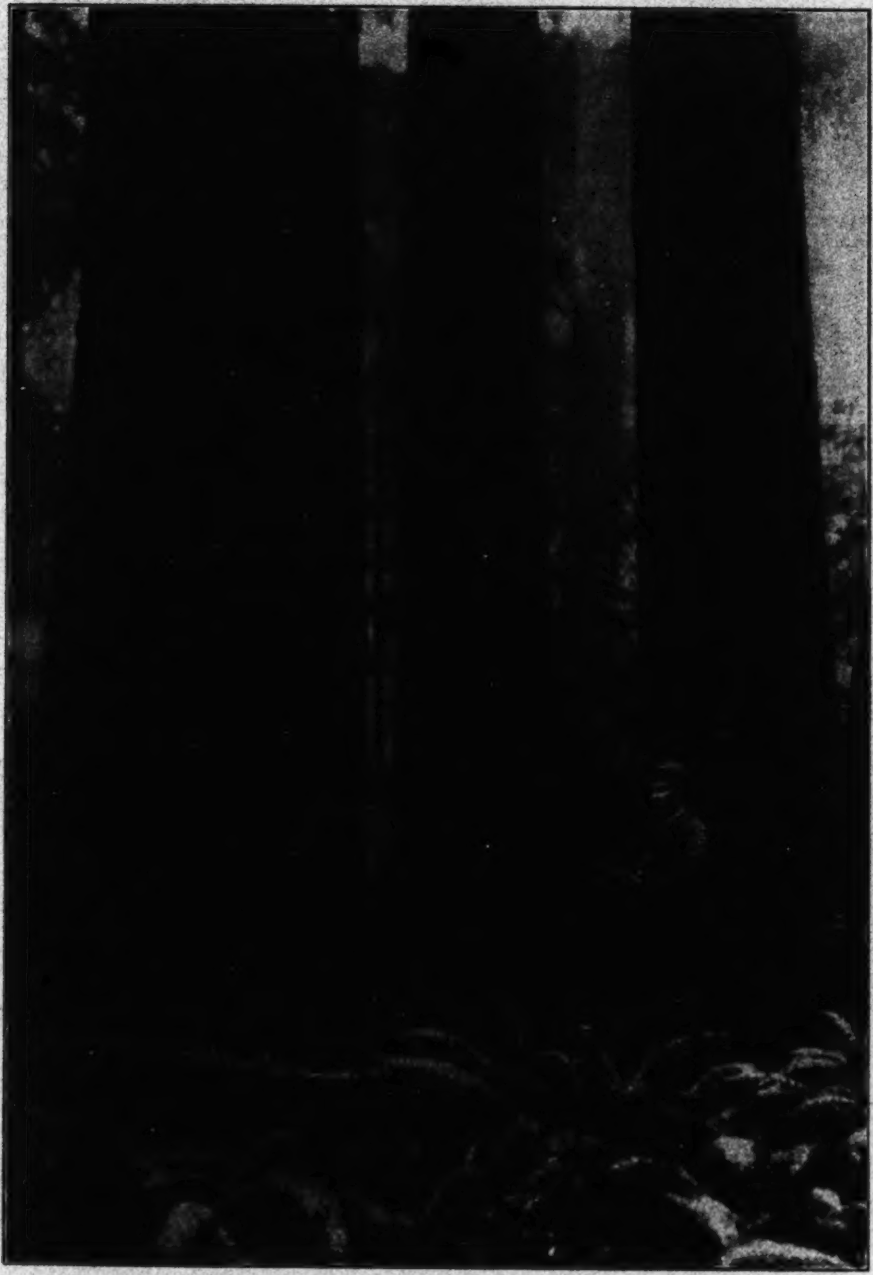
On the date named, McKinley and I went to Albany, where we met both Smith and Kribs, and it was thereupon decided that our first move should be to make an examination of the timber, and if it came up to Mr. Smith's expectations, an agreement was to be perfected between us, with a view of acquiring the titles.

On the morning following we took the train for Lebanon, Oregon, where a team was engaged, driving to the Mealey ranch and remaining there over night. The next day, and for several days thereafter, we cruised the timber under the pilotage of the two Mealey brothers, counting and measuring the trees indiscriminately on different portions of the tract, which was to be a test of the whole. Some of the land ran as high as 300,000 feet to the acre, while scarcely any estimated less than 20,000 feet. It all averaged 80,000 feet to the acre, or 30,000 feet above requirements.

Mr. Smith was highly pleased with the results of his inspection, and upon our return to Albany entered into a contract, whereby he agreed to advance the money for making final proof and all other expenses, together with the $100 bonus to be paid each entryman for his right, and as soon as deeds were obtained, he was to pay us the sum of $5.50 an acre for the 9,120 acres embraced in the fifty-seven claims, less the amount advanced for the perfection of titles.

He suggested that as soon as final proofs were made, the entrymen should mortgage their claims to Frederick A. Kribs for $600 each, simultaneous with the execution of a transfer to John A. Wild, of Minneapolis, this deed to be withheld from record for ten days after the final proof had been made. This precautionary measure was adopted to make it appear that the claims had not been located under any prior contract for sale, in case any question should arise affecting the validity of the titles.

About a fortnight prior to the time for making final proofs on the entries, McKinley was arrested at Albany. I was en route from San Francisco to Portland when this occurred, and had wired him to meet me in Salem. McKinley sent a messenger boy to the Albany depot for the purpose of intercepting me and apprising me of the situation, and as soon as I learned the state of affairs, I left the train and went up town to the hotel, where I found Horace in custody of an officer, he having been charged with subornation of perjury and conspiracy to defraud the Government out of its public lands. The warrant had been sworn to by S. S. Mathers, Special Agent of the General Land Office, whose headquarters were at the Roseburg Land Office. I immediately qualified



The kind of timber land acquired fraudulently by C. A. Smith through Puter and McKinley, and liable to be cancelled by the Government. This photograph was taken in March, 1908, and represents Puter in "cruiser" costume estimating the timber on N. W. ¼, Sec. 20, Tp. 14 S., R. 3 E. (Linn County, Ore.) portions of which ran 300,000 feet to the acre. The entire quarter section aggregated 20,000,000 feet, and was the claim filed on personally by Puter in 1900 as his bondsman, resuming my journey as soon as he was released, and going direct to F. Pierce Mays' office as soon as I reached Portland, where I explained all the circumstances attending the arrest of McKinley, and asked Mays' advice concerning the best course of procedure.

He seemed much surprised to see me, stating that it was reported I was in Chicago, and that had the Northern Pacific people known I was in Oregon, they would not have molested McKinley. He admitted that it was the railway corporation behind the scheme to prosecute McKinley, thinking that by this process, coupled with the fact of his being in jail, it would have a terrorizing effect upon the fifty-seven entrymen, making it an easy matter, in the opinion of the company's agent, to scare them into relinquishing their rights and enable the Northern Pacific to scrip the land without opposition.

According to Mays, the company was proceeding upon the theory that by exercising a little persuasive force of this character with the entrymen, practically all of whom were ignorant backwoodsmen, they would accede to their wishes, as most of them realized that they had done something contrary to law, and were liable to prosecution by the Government.

So far as McKinley was concerned, Mays assured me he would come out all right, and advised that the best thing to do would be to expedite his preliminary examination, and he would see that his brother, Edward P. Mays—then Assistant United States Attorney—should be sent to Albany to prosecute the case, so we need feel no anxiety over the matter.

After a brief conference, McKinley and I proceeded to interview the entrymen, informing them of the game of bluff being played by the Northern Pacific people, at the same time cautioning them to stand pat and talk to nobody.

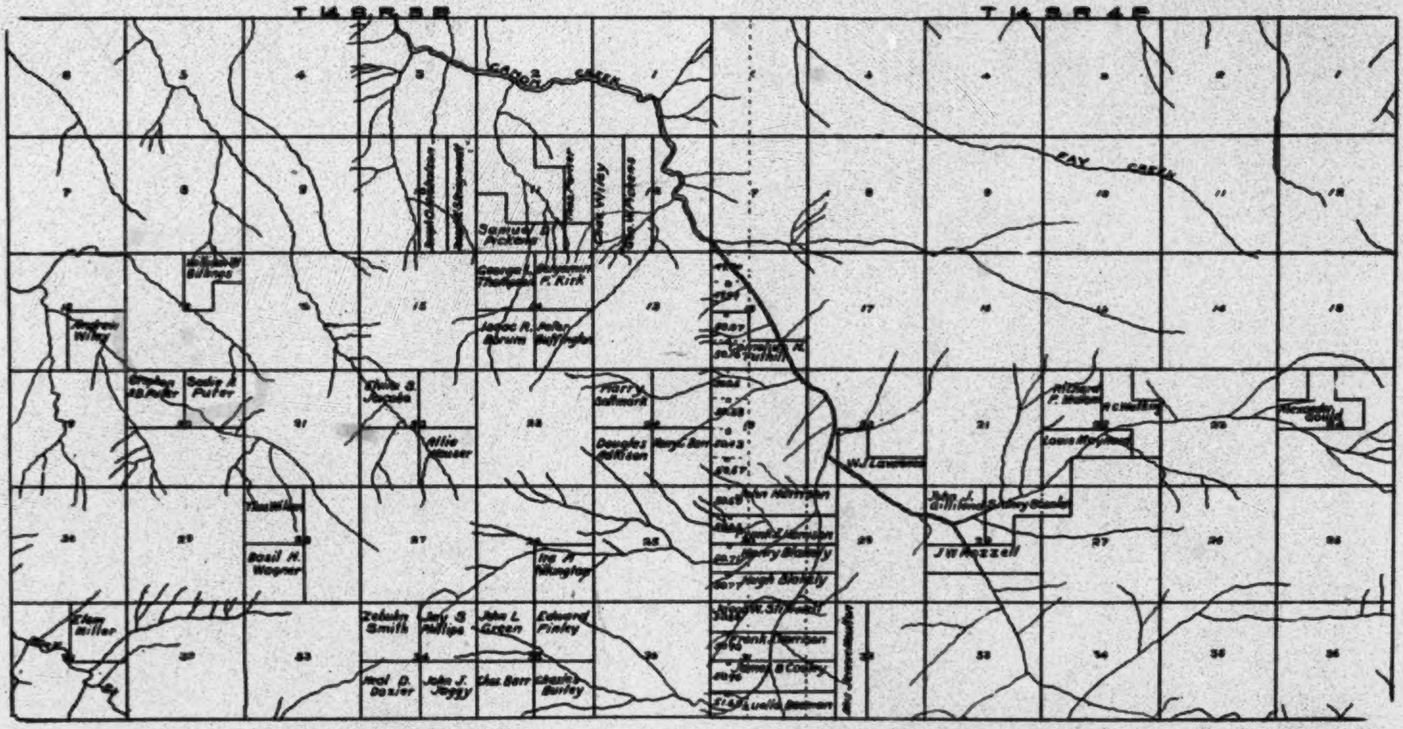
We then employed A. M. Crawford, ex-Receiver of the Roseburg Land Office, and at present Attorney General for the State of Oregon, to defend McKinley. The case was set for hearing within five days after his arrest, before the United States Commissioner at Albany.

In the meantime McKinley and I decided to visit Roseburg and if possible, "round up" Special Agent Mathers, who had sworn to the complaint, believing that for a few hundred dollars he could be induced to view things in a different light about McKinley, and assist in having him cleared. We likewise deemed it good policy to have Mathers on our side during the pendency of the contest proceedings, and also to aid us in securing the patents.

As soon as we got to Roseburg we commenced to hunt for tracks, making the rounds of Mathers' various haunts until we finally found him in one of the numerous saloons of the place, surrounded by a coterie of charmed and enthusiastic admirers, to whom he was relating gilt-edged narratives concerning his many deeds of prowess on the battlefields of his country. As each tale had been accentuated by a round of drinks, and as the valiant Captain was wound up for all night, we considered him in prime condition for opening up negotiations.

Several members of the crowd around the bar, including Captain Mathers, recognized us as soon as we entered the establishment, and our appearance was the signal for an invitation from all hands to join in the festivities. To say that we accepted with alacrity would be putting it mildly, as we regarded the situation as a golden opportunity for carrying out our plans.

After imbibing freely, all present entered into social converse, the amount of individual talking being gauged by the quantity of liquor already consumed. McKinley and I took a special interest in the various anecdotes, particularly so whenever the Special Agent's tongue got busy. We applauded his maudlin remarks to the echo, and as a fitting appreciation of his recitals, wherein whole regiments had been put to flight whenever he placed himself on a war footing, McKinley tossed a double eagle over the bar and suggested that the entire house join us in bumpers of champagne to the everlasting glory of the great warrior. The corks popped quite freely after that, Mathers keeping up his end


T 14 S R 3 E
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CANON CREEK
FAY CREEK
Samuel D. Ackens
Geo. Wiley
George L. Thompson
Benjamin F. Kirk
Isaac R. Borum
Andrew Wiley
Sadie A. Puter
Ellis S. Jacobs
Allie Mauser
Harry Saltmark
Douglas Atkison
Basil H. Wagner
Ira A. Kingsley
Elam Miller
Zebulon Smith
Jay S. Phillips
John L. Green
Edward Pinley
Hal D. Dozier
John J. Jaggy
Chas Barr
Charles Burley
John Harrigan
Harry Blakely
Hugh Blakely
Frank Harrigan
James B. Cooley
Luella Beeman
W. J. Lawrence
Richard F. Mahon
Louis Hoyt
John J. Gilliland
J W Rozzell
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Plats exhibiting descriptions of fraudulent entries taken up in interest of C. A. Smith, in Township 14 South, Ranges 3 and 4 East (Linn County, Oregon), and subject to cancellation by the Government in true millionaire fashion. We later toured the town with the bibulous Special Agent, jollying him along to the queen's taste, until we came to the conclusion that he was ripe enough to be approached upon the subject of standing in with us.

Much to our surprise, Mathers informed us that the Northern Pacific people had beaten us to him, having given his wife a free pass over their lines to New York City, besides presenting him with $200 in cash, as an inducement to assist them in the approaching contests.

This voluntary information on the part of the Special Agent was not exactly what we relished, but in the absence of our ability to corral him for our own use and benefit, it answered the purpose of a leverage, and we lost no time in acquainting Register J. T. Bridges, of the Roseburg Land Office, with the facts in the case. Bridges thereupon called for an explanation from Mathers, who, when confronted with the evidence of bribery, made a complete confession to the Register, who at once wired Commissioner of the General Land Office Binger Hermann, apprising him of the situation. As a result, the Special Agent was relieved from duty at Roseburg and sent out of the State, but was not dicharged by Hermann, although he was later dismissed from service by order of Secretary Hitchcock.

In due time McKinley's case came up for preliminary hearing before the United States Commissioner at Albany, and while the evidence was sufficiently strong to hold him under ordinary circumstances, he was discharged. True to his promise, my old friend Pierce Mays had induced his brother Edwin to appear for the Government in the role of prosecutor, and as Assistant United States Attorney, his recommendation carried enough weight to convince the Commissioner that there was slight chance for a conviction before a jury, although, as a matter of fact, two of the bogus entrymen had confessed, and had made affidavits that they had taken up the land for the benefit of McKinley, with whom they had contracted in advance of filing to sell their rights for $100 each.

Soon after this affair, the case of the Northern Pacific against the fifty-seven entrymen was called before the Register and Receiver of the Roseburg Land Office. The contestants were represented by one of the corporation's special counsel from St. Paul, Minn., in addition to an attorney from Tacoma, Wash., and F. Pierce Mays, of Portland, while the lawyers for the entrymen were John H. Shupe and A. M. Crawford, ex-Register and ex-Receiver, respectively, of the Roseburg Land Office.

I was dumbfounded to perceive Mays there in the capacity of attorney for the corporation, and as soon as the chance presented itself, demanded an explanation.

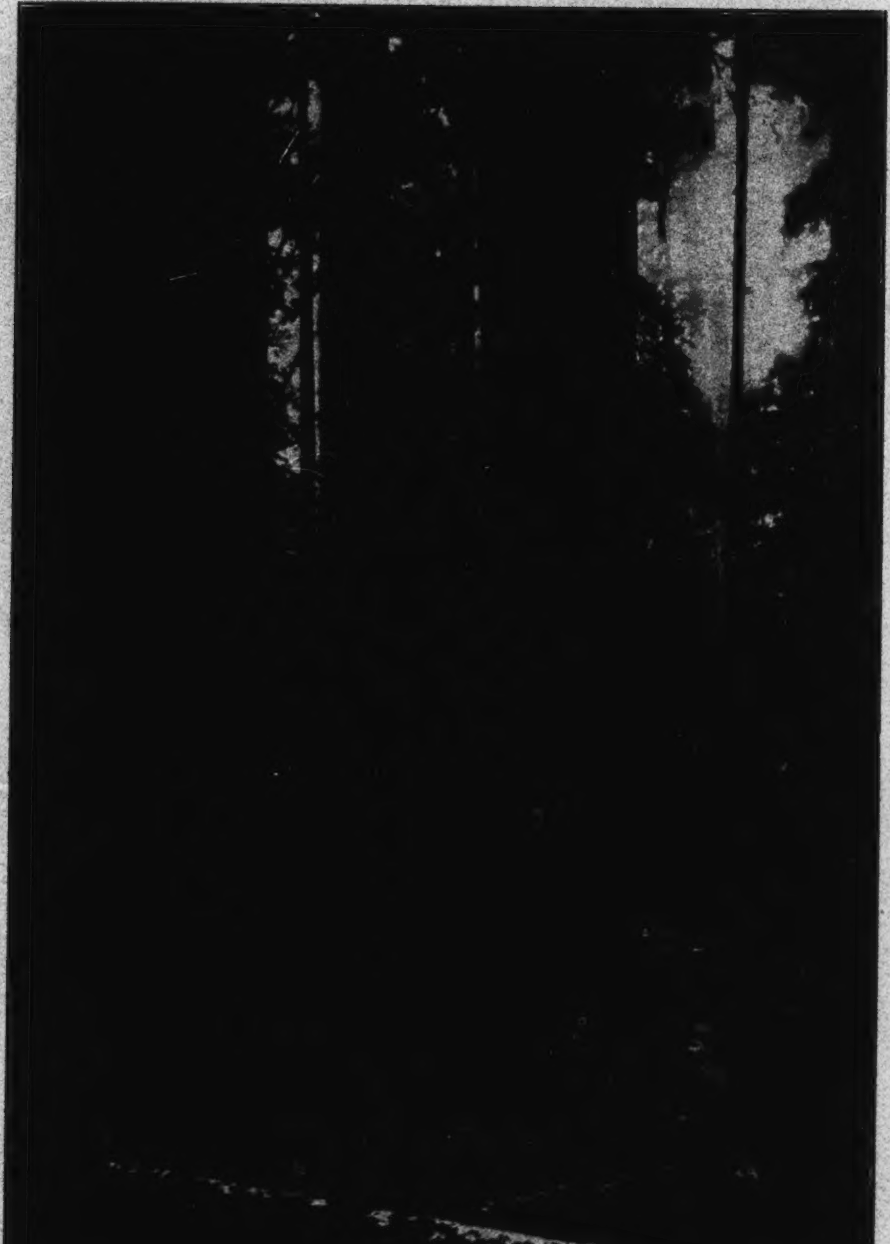
"Don't you know that I am one of the regular attorneys of the Northern Pacific Railway Company?" he responded rather haughtily.

"No," I answered, "you have always been my attorney, and when I asked you the other day to defend my interests in these suits, you declared that you were unable to get away on account of pressing business, and now I find you arrayed upon the opposite side."

Mays undertook to excuse himself with the explanation that he did not think the Northern Pacific people intended to make a call on his services, but at the last moment they had done so, and he was in no position to refuse, as they had all along calculated to do so, but had failed to notify him of their intentions.

"At any rate," continued Mays, "you will be well represented, and I guess you will not have much trouble, as I shall be easy with you."

As I had made personal application for one of these claims, and was therefore one of the contestees, I happened to be the first witness called and was on the stand for two days. I had a satisfactory answer for every question concerning my connection with the fifty-seven entrymen, as well as pertaining to my individual filing, hence, so far as the testimony went, it looked as if the Northern Pacific did not have much of a case. I had made such a good showing, in fact, that Mays called upon me that evening at my room in the



Sample of timber on one of the fraudulent Smith claims in Tp. 14 S., R. 3 E. liable to revert to the Government through cancellation

hotel and suggested a compromise, stating that the best thing I could do would be to give up one-half the claims to the railway corporation; that he thought they would be willing to acquiesce in an arrangement of this kind, as I had put up such a splendid front on the witness stand the Northern Pacific attorneys were dubious about the outcome.

"However," said he, "you know, Puter, if we carry these cases on, you won't be able to save a single claim, as every one of those entrymen will go to pieces when they get on the stand, and the chances are more than likely that you will all be indicted for conspiracy to defraud the Government, convicted, and sent over the road."

As a matter of fact, Mays was simply taking up a collection on both sides of the aisle when he offered this suggestion. At any rate, I declined to surrender such a large percentage of the lands, but finally agreed to compromise upon the basis of 24 claims for the Northern Pacific and 33 for ourselves, so I selected the quarter sections I wanted, and had the entrymen relinquish their rights to the remainder. As soon as this had been done, the Northern Pacific proceeded to cover each abandoned tract with forest reserve selections, at the same time withdrawing their contests against the other 33 entries, and we then went to work to have the latter proved up.

C. A. Smith wired the necessary money to Frederick A. Kribs, at Roseburg, and as rapidly as proofs were made, he called at the Land Office and paid the Government price for the land, as well as all the office fees, whereupon the entrymen, as arranged previously, mortgaged their claims to Mr. Kribs, and at the same time executed a deed in favor of John A. Wild, of Minneapolis, receiving a cash bonus of $100 each.

For some reason or other, the patents to these thirty-three entries were suspended, pending an investigation. A report had been sent to the General Land Office concerning the fraudulent character of the claims, and in my opinion this complaint was instigated by the Northern Pacific. At all events, Special Agent William D. Stratford, who succeeded Mathers at Roseburg, was directed to make an investigation, but it is evident he was picked up by Kribs in short order, as he came to me soon after in Portland with an affidavit for me to sign, bearing upon the question of my connection with the thirty-three entrymen.

This affidavit was a typewritten document of several pages. Stratford informed me that Kribs had given it to him, and he wished me to sign it. He also wanted me to hunt up as many of the entrymen as I could find, and obtain their affidavits in order to facilitate the issuance of patents.

I hesitated somewhat before signing, as it appeared to me the affidavit should have been more explicit in defining my connection with the thirty-three entrymen; but as the Special Agent had come to me direct from one of my associates, and furthermore, because I was assured that it would innure to the mutual benefit of Kribs and myself, I attached my signature.

I then rounded up as many of the entrymen as I could find and secured additional affidavits, requesting McKinley to locate the balance, or those whom I had overlooked. Stratford expressed a desire to get as many affidavits as he possibly could at the earliest moment, that he might embody them in his report to the General Land Office.

Awhile afterward I had business in the East, and stopped off at Minneapolis for the purpose of conferring with C. A. Smith relative to the claims, as it will be remembered they were located in his interest. After describing conditions in Oregon, and Special Agent Stratford's efforts in our behalf, Smith suggested that I proceed to Washington, D. C., at once with a view of using my best endeavors to get the patents through. He then dictated a letter of introduction to S. M. Eddy, United States Senator from Minnesota, whom he declared was his personal friend and one upon whom he could rely for assistance of this character, together with a letter to R. V. Betz, a prominent Washington lawyer. These letters were not presented, for reasons that will appear hereafter.

*The Oregon City Land Office, since removed to Portland. Register A. S. Dresser at desk
Receiver George W. Bibee seated in chair*

Upon arriving in Washington, I received a telegram from Mr. Smith, requesting me not to see Senator Eddy or Mr. Betz, or take any further steps in connetion with the entries, as other arrangements had been made in Portland.

Returning to Minneapolis, I was informed by Mr. Smith that he had received advices from Frederick A. Kribs to the effect that George F. Wilson, another Special Agent, had been sent out from the General Land Office to make further investigations of the claims, and that it would be useless for us to attempt to do anything in Washington until this Agent's report had reached headquarters.

It developed later that Special Agent Wilson was a brother to the Republican "boss" of Providence, R. I., and that he owed his Government position to the political pull enjoyed by his relative with Senator Aldrich, of that State.

It is also interesting to know that Wilson fell an easy prey to Kribs as soon as he reached Oregon, and is no longer in the service of the Land Department on that account.

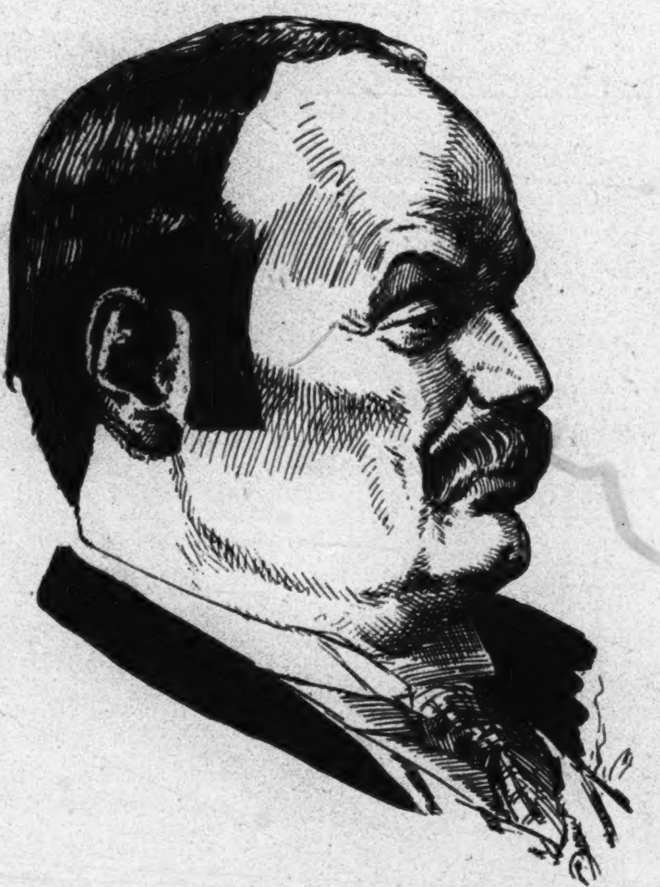
Upon my return to Portland, I had an interview with Kribs, who gave me full particulars regarding Wilson's visit, and how he had disposed of him. However, Kribs still felt more or less perturbed over the delay in securing patents, and I, too, was ill at ease, so I suggested that he call on F. P. Mays and solicit his aid in adjusting matters.

Later Kribs informed me that he had made an arrangement with Mays, whereby the latter was to receive $50 each for his services in getting the patents on the thirty-three entries.

Sometime afterward I met Kribs again, and found him in a disturbed frame of mind, as he could not understand the delays incident to the issuance of final evidence of title to the lands, expressing the opinion that Mays was procrastinating in the matter. I then informed Kribs that United States Senator John H. Mitchell had just returned to the city, and suggested that he consult with the statesman upon the subject. Kribs did as I advised, and a few days later reported the result of his conference with the Senator.

According to Kribs' statement to me, which has since been confirmed by court proceedings, he succeeded in entering into an agreement with Senator Mitchell, whereby the latter was to receive $25 for each patent issued in connection with the thirty-three claims. Although the arrangement only applied to these entries, Kribs took advantage of the situation and made a further agreement with the Senator, whereby he was to look after his interests in the matter of expediting all land patents he might have in future before the Department, for which the Senator was to receive the stipulated sum of $25 each.

It might be well to note here that the part taken by Senator Mitchell in the matter of expediting the issuance of patents for Frederick A. Kribs was the direct cause of his subsequent conviction, as Kribs settled with the law firm of Mitchell & Tanner through checks drawn on the Merchants' National Bank, of Portland, Ore., of which a full account will be given in another chapter.



Field Marshal Kribs, commander-in-chief of C. A. Smith's grand army of "dummies"

Chapter IV

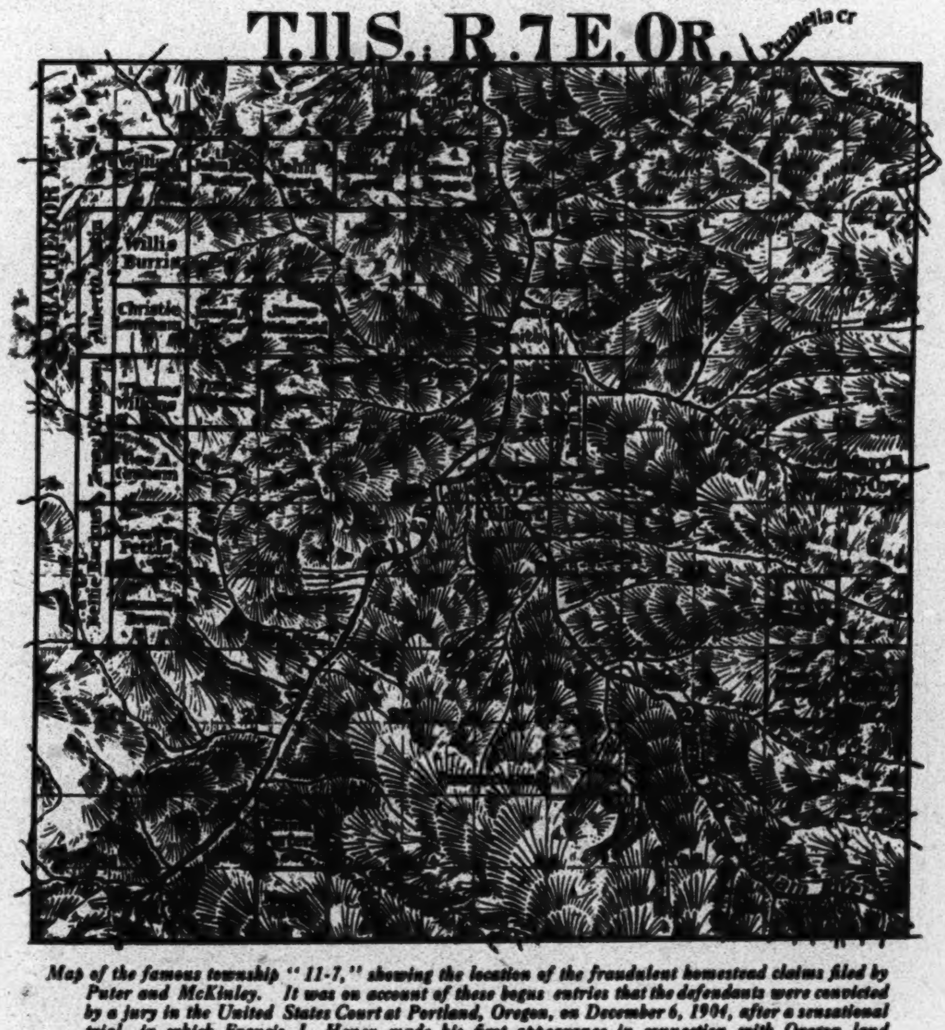
History of the Famous Township "11-7" deal, whereby Puter and his associates demonstrate conclusively that there is an actual method of stealing Government land—Desperate efforts of the conspirators to secure the early issuance of patents on the fraudulent claims includes the wholesale bribery of public officials of both high and low degree—Details of the transaction in which United States Senator John H. Mitchell, of Oregon, figures as the taker of tainted money in the shape of two $1000 bills for his services in securing favorable action by the Land Department at Washington.

DURING 1899 and 1900, my partner, Horace G. McKinley, and myself had been doing considerable speculating in timber lands in Oregon, and because of our extensive operations, had occasion to visit frequently the Roseburg and Oregon City Land Offices. It came to our notice that a great many unperfected homestead entries within the Cascade Forest Reserve were being proven up on, and it occurred to us, because of our knowledge of the fact that a large majority of the homesteaders were not bona-fide settlers and had not complied with the law in any particular, and further, because of our knowledge that the lands being proved up on were of comparatively small value, that there must be some good reason for this abnormal rush in the line of securing titles to such lands, we decided to make an investigation. It resulted in the discovery that these tracts, immediately after final proofs were made, were being transferred to lumber syndicates, for the purpose of creating "base" to be used in selecting other and better lands in lieu thereof.

Under the provisions of the second section of the Act of Congress of June 4, 1897, it was specified "that in cases in which a tract covered by an unperfected claim, or by a patent, which is included within the limits of a public forest reservation, the settler or owner thereof may, if he desire to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of vacant land open to settlement, not exceeding in area the tract covered by his claim or patent." The provisions of this Act entitled the owner of any perfected title within a forest reserve to relinquish his right thereto, through deed to the Government, and to select in lieu thereof, the same number of acres of any unoccupied, surveyed lands, within the United States.

During 1900, the survey of Township 11 South, Range 7 East, Willamette Meridian, was approved, and the lands therein were opened to entry. This township, being within the Cascade Forest Reserve, afforded all who owned lands therein an opportunity to exchange their holdings with the Government and to select, in lieu thereof, any tract of vacant surveyed public land in the United States, of the same area. Those who did not wish to make a trade of this sort, had the option of selling their holdings at a fluctuating market value for tracts of this kind, ranging all the way from $5 to $7.50 per acre. The purchaser, of course was vested with the same right granted to the original owner, relative to exchange with the Government, and these lands were used as the basis in making other selections, and became popularly, though erroneously known as "scrip."

When McKinley and I learned that Township "11-7" was in the market, and realizing that it was situated near the summit of the Cascade Mountains, at an elevation where the prospects of Governmental inquiry concerning entries were exceedingly remote, we concluded to make a lot of homestead filings there, under the pretense that it was being done by settlers who had long been residents of the township, and who were about to take advantage of the law that permitted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Map of the famous township "11-7," showing the location of the fraudulent homestead claims filed by Puter and McKinley. It was on account of these bogus entries that the defendants were convicted by a jury in the United States Court at Portland, Oregon, on December 6, 1904, after a sensational trial, in which Francis J. Heney made his first appearance in connection with Oregon land fraud cases settlers in a newly surveyed township to initiate their titles within ninety days after the approval of the survey. Titles to Government lands can neither be perfected nor initiated in an unsurveyed township. However, the term of a person's residence on the claim before survey counts as part of the five-year period required for actual residence under the homestead law. Thus, if the proof shows that a person has been a resident on a tract of land for the full five years, it only becomes necessary for him to make his filing, advertise during a period of six weeks, submit his final proofs and receive his final certificate, which is followed by a patent without unnecessary delay, for no other expense than the advertising and filing fees, which would not amount to over $25.

Our idea was to locate as many persons as possible in that township, under the homestead law, and to furnish them the money with which to make final proof and cover their incidental expenses, and as soon as final proof was made, to have them deed the land to us at a price agreed upon in advance.

Having determined upon the plan described, we associated with us in the venture, Dan W. Tarpley, a young attorney and notary public of Salem, Oregon, agreeing to pay him a certain percentage of the commissions as soon as we procured titles and disposed of the claims. His services, in return, were to consist of conducting the homesteaders to the land office for the purpose of filing their claims, attending to the advertising and the making of final proofs, and to act as a general lookout, by keeping us posted as to how things were moving along.

Persons living in the township were entitled to make final proof before the County Clerk of the county where the land was situated, if they so desired, or before the Register and Receiver of the Oregon City Land Office. In view of this phase of the situation, McKinley entered into an arrangement with Robert B. Montague, the Deputy County Clerk of Linn county at Albany, whereby he agreed to pay him $100 for each person who filed and made final proof before him, Montague, of course, being made familiar with all the conditions, and he understood the situation thoroughly.

Altogether, we located twelve claims in this way, of 160 acres each, which was done by ten people only, two of them filing upon two claims each, but under different names, one claim, in each of these particular instances, being filed on before Deputy Clerk Montague at Albany, and the other before the Register of the Oregon City Land Office.

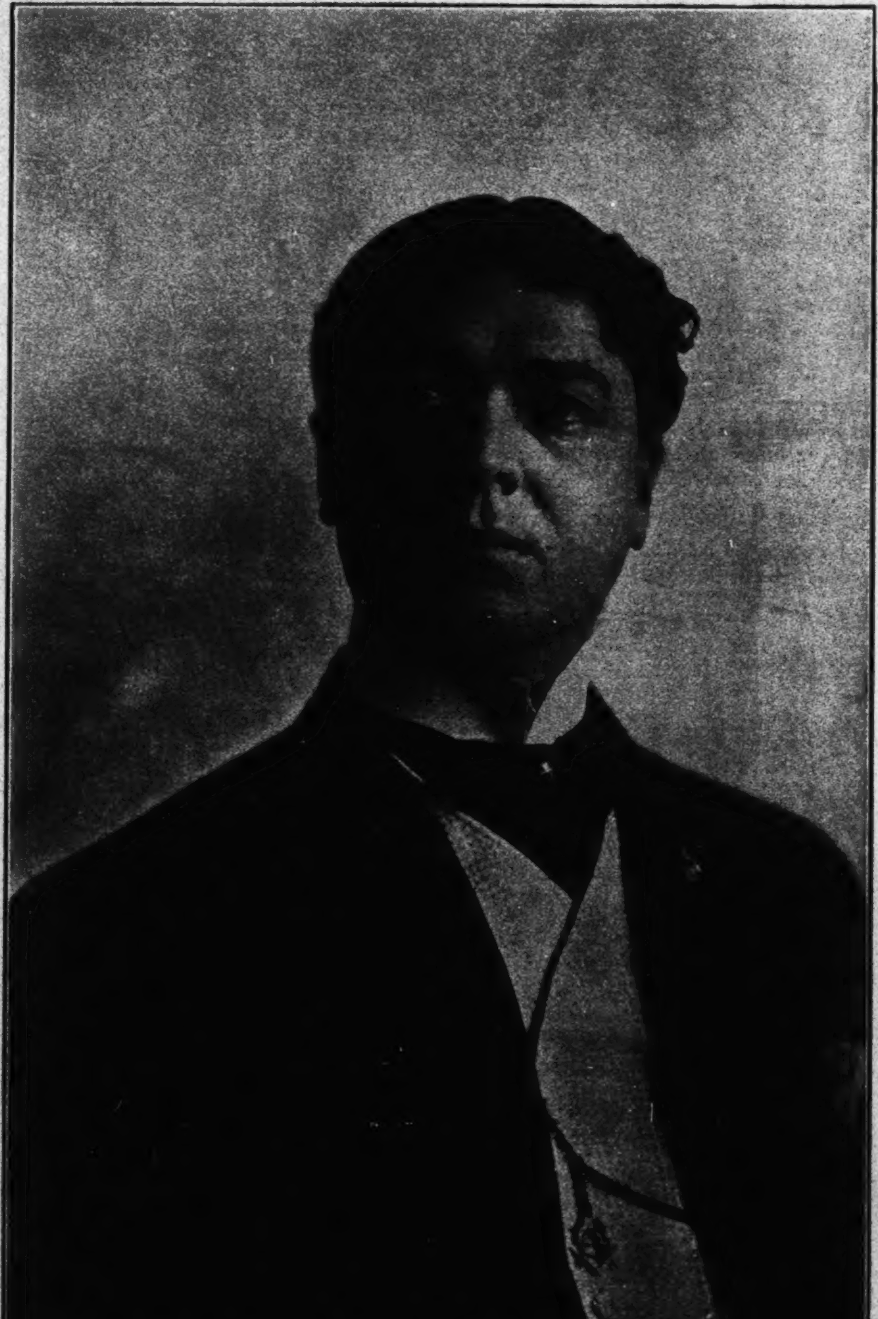
Those making final proof on two claims were: Thomas R. Wilson, who filed under the names of Joseph Wilson and Thos. Wilkins; the other, Henry A. Young, who used his correct name in filing the first claim, and that of Geo. A. Graham in filing upon the second one. Nellie Backus, Alexander R. Brown, and Emma Porter, used only a portion of their real names. George L. Pettis and Zenas K. Watson were fictitious names. The only others using their correct names were Maud Witt, Harry C. Barr and Frank H. Walgamot.

This changing of names was done for the purpose of avoiding identity in case there should be any investigation by the Land Department, after final proof had been made.

Six of the claims were filed on before Montague, at Albany, and an equal number before the Register of the Oregon City Land Office.

At the time of filing, the homesteaders were required to make affidavits to the effect that they had settled upon their claims prior to the creation of the reserve, and at the time of making final proofs, they were obliged to make affidavits, corroborated by witnesses, that they were not only living on their claims prior to the creation of the reserve, but had resided there continuously up to that date, and that the improvements consisted of a good house, with outbuildings, such as a barn, woodshed, etc.; also that they had cultivated and fenced an acre or so of the land, and that the value of their improvements amounted to several hundred dollars.

The affidavits and proofs of homesteaders must be corroborated by two disinterested witnesses living near by, and who are personally acquainted with



Horace G. McKinley, Puter's partner in fraudulent land operations, who fled to China after his conviction in the 11-7 case, and was brought back by Detective J. F. Kerrigan after a 30,000 mile chase those making final proofs, as well as familiar with the character of their improvements. This proviso was easy enough to overcome, as one homesteader acted as a witness for the other, and vice versa.

As township "11-7" is located near the very top of the Cascade range of mountains, and at an altitude of approximately 5,000 feet, it is very rough, rocky, and broken up with deep gorges, and covered with a dense undergrowth of brush and fir timber, with snow covering the entire district to a great depth for three-fourths of the year, thereby rendering it imposible for any one to make a living in the township under existing conditions. In fact, not a soul lives nearer than thirty miles.

Under the circumstances, it was an easy matter for us to play fast and loose with "11-7," as there was not much likelihood of anybody disputing our assertions relative to improvements, or anything else. As a matter of fact, not one of the ten who made proof on the dozen claims had ever been nearer to them than Albany, and there were no improvements on any claim.

In passing the Homestead Act, it was the intention of Congress to open up lands to legitimate settlers, who would actually reside on the property for five years before proving up; build a residence on same; till the soil, and in all, make such improvements as would justify the homesteader in remaining on the land, and making it his permanent home.

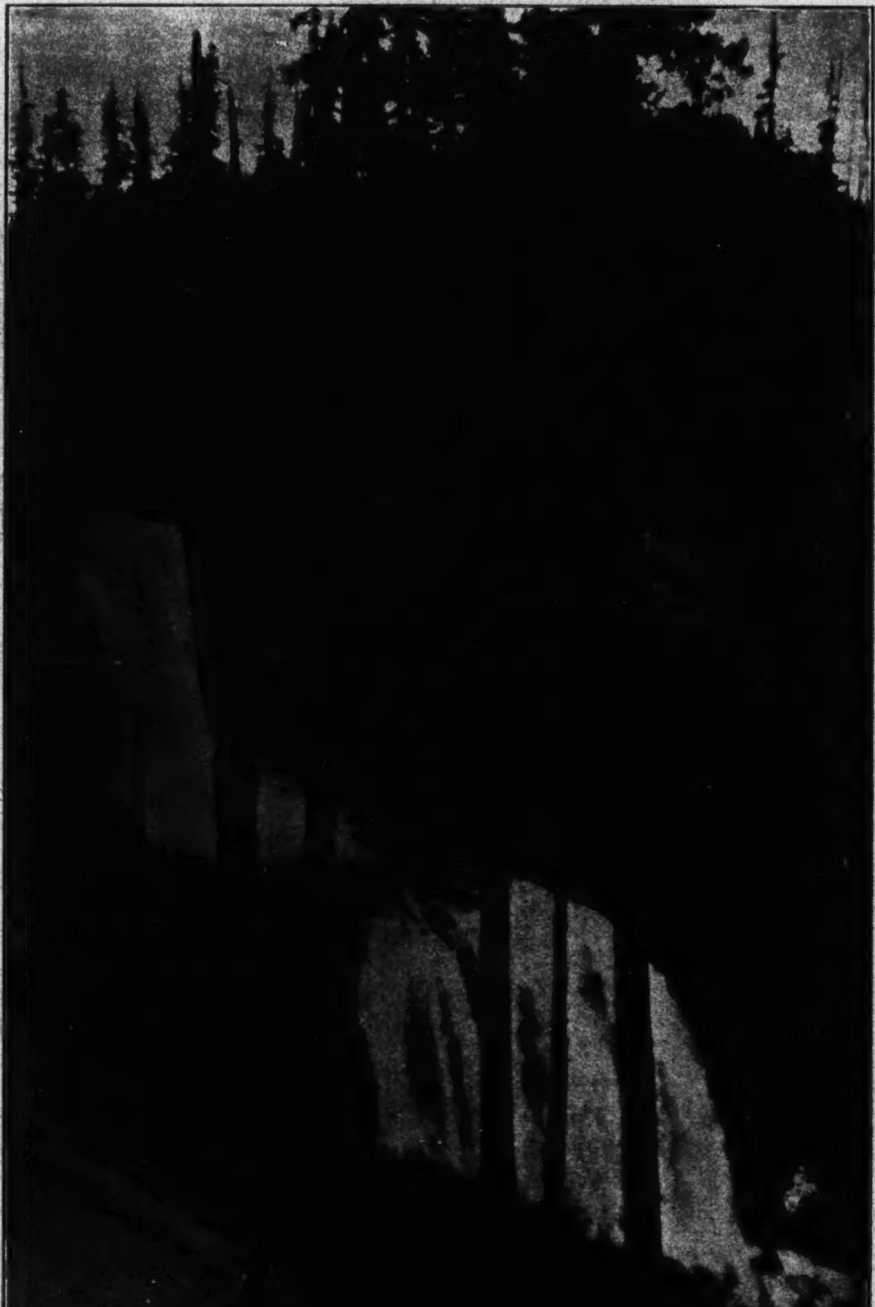
Final proofs were made on the twelve claims within a few weeks after the filings, and as no improvements whatever had been made, nor had the entrymen even gone to the expense of inspecting the lands, which they were supposed to have lived on and made their homes continuously for five years, it can readily be seen that the parties to this transaction were fraudulently attempting to secure them purely for the purpose of speculation.

As McKinley and I did not wish to be known in this matter, we arranged to have the entrymen, as soon as proofs were made, execute deeds to Mrs. Emma L. Watson, she being one of the entrymen, having taken up a claim under the name of Emma Porter, later deeding it to herself. Arrangements had been made previously between Mrs. Watson, McKinley and myself, whereby she agreed to make conveyance to any person whom we might designate, in the event of a sale. The actual cost of these claims to McKinley and myself was as follows:

Emma Porter	$800	
Maud Witt	600	
Geo. L. Pettis	600	
Nellie Backus	150	
Alexander R. Brown	150	
Harry C. Barr	150	
Frank H. Walgamot	150	
Zenas K. Watson	150	
Joseph Wilson	150	
Thos. Wilkins	150	
Henry A. Young	150	
Geo. A. Graham	150	$3350
Land Office Fees	300	
Incidental Expenses	150	450
Total Cost		$3800

Filings were made by the claimants in October, 1900, and final proofs submitted six weeks later.

As McKinley and I bore all costs, not only regarding amounts paid to the various so-called homesteaders, but also the land office fees and incidental expenses, it will be seen that each homesteader profited to the extent of the amount credited opposite his or her name. As to our reason for paying Maud



"Ardigah Falls," on Marion Fork of Santiam River, near southeast corner of Township 11 South, Range 7 East

Witt and Geo. L. Pettis $600 each, it might be stated that they were close personal friends and had an understanding with us from the beginning that they were to be "preferred" to that extent. In the case of Emma Porter, the sum of $800 was paid her, for the reason that she had acted as a go-between, in so much as these lands were all transferred to her, to be held in trust until their sale was effected. In consideration of these services, she was paid for her claim nearly its entire market value.

A few weeks after final proofs were made, while McKinley and I were at a hotel in Albany, a man named J. A. W. Heidecke approached McKinley and stated that he had lived for a long time at a little place known as Detroit within thirty miles of Township "11-7," and that he had heard of twelve people making proofs to homestead claims in that township; also that he was informed that McKinley and I were at the bottom of the deal, and that he knew very well none of the entrymen had been on their claims, nor had they complied with the homestead law in any manner. Heidecke hinted that unless he could get something out of it he would report the matter to the Commissioner of the General Land Office. The upshot of this conversation was that McKinley settled with Heidecke by paying him $50, for which amount he agreed to keep his mouth shut.

However, it was not many months after final proofs had been made, before "Lookout" Tarpley learned through Special Agent C. E. Loomis, that the latter had received instructions from the Commissioner of the General Land Office to make a thorough examination of our twelve entries in Township "11-7," charges of fraud having been filed against them by somebody.

Immediately upon learning these facts, I consulted with F. Pierce Mays, and explained to him the entire situation; how these lands had been taken up—twelve claims in all, explaining further, that the parties interested had never seen the lands and knew nothing about them, except that they were somewhere in Township "11-7," and that, as the matter stood now, McKinley and I were the sole owners of the entire twelve claims, although they were being held in trust for us by Mrs. Emma L. Watson.

After listening to my story, Mays advised that I see C. E. Loomis, Special Agent for the Oregon City Land District, suggesting that it would be an easy matter to "fix" things with him. He said, in fact, that it was about the only thing I could do.

Thereupon I wrote Loomis at Oregon City, stating that I wished to see him, and he called upon me at once at my home in Portland, when I advised the Special Agent of having learned that he had been instructed by the Land Department at Washington to investigate the homestead entries in "11-7," and upon the advice of my attorney, Mr. Mays, I had requested this conference, as I was the owner of all twelve claims.

Loomis professed to be well acquainted with Mr. Mays, and questioned me rather closely regarding the entries. I told him that I knew nothing whatever about any improvements or residence, but that, inasmuch as I had purchased the claims in good faith, I was naturally anxious to secure the patents with as little delay as possible, especially since it was my intention to use them as base in the selection of other lands. I protested against becoming involved with the Government on account of any controversy over the titles, and suggested that he make it convenient to visit the claims personally at the earliest date possible, and report his findings to headquarters at Washington without delay.

I have no knowledge of Mr. Loomis having seen Mr. Mays before calling on me, but thought at the time, as I still believe, that they had had an interview relative to the subject, as Mr. Loomis lost no time in assuring me that he would do everything in his power to have matters adjusted, and he expressed the opinion that all would terminate to my entire satisfaction. Thus encouraged, I went on to explain to Loomis that the trip to "11-7" would prove an arduous one, and quite expensive, and as I wanted to secure the patents immediately I would gladly contribute to the expense, if he would defer action on all other business and proceed at once to the township named. Thereupon, I handed Mr. Loomis a draft in the sum of $500 and informed him that, upon receipt of patents, I would give him a similar sum, and which later was handed to Mr. Loomis, after the patents were issued. The two drafts mentioned were purchased at the Wells Fargo Bank of Portland, Oregon.

Mr. Loomis then assured me that he would go right ahead and do the best he could by me, and stated further, that he had no doubt as to his ability to make a favorable report, after which, he said, I would experience little difficulty in securing my patents.

After coming to terms with Loomis, I then wrote to J. A. W. Heidecke requesting him to meet me at Albany, Oregon, on Wednesday of that week, where I wished to see him on important business. On the date indicated I went to Albany and found Mr. Heidecke awaiting my arrival, and we proceeded to business immediately. I asked him if he was much acquainted in Township "11-7," to which he replied, that he had lived in Detroit for the past fifteen years and was not only familiar with the township itself, but was also personally acquainted with every homesteader residing therein, and, in fact, with all the settlers in that part of the country.

It was amusing to me to find Heidecke so apt in volunteering information, and particularly with reference to township "11-7," when he stated that "he was acquainted with every homesteader residing therein." His antics, in endeavoring to make me think that he knew all these bogus entrymen, especially in view of the fact that I was perfectly well aware that none of them had ever been within 100 miles of the township, furnished one of the most comical incidents in my experience with hirelings of his calibre. After listening to Heidecke's story, I was pleased to allow him to continue in the mind that he knew these entrymen—that I was thoroughly satisfied with the fact, and that he was just the man I was looking for.

I then informed him that I had purchased the twelve claims, and that, having learned that Special Agent Loomis would soon reach Detroit, on a tour of inspection of the improvements, I would like to engage him to accompany Mr. Loomis and show him the improvements on each quarter section. I then volunteered the statement that he would be well paid for his trouble, and handed him $10 to cover his expenses to date, in coming to Albany, and an additional $100 which I thought ample to cover expense of the trip to the mountains, when Loomis arrived.

Heidecke consented to make the trip, and promised to be on the lookout for the special agent. He stated further, that he would conduct Loomis all over township "11-7," and would show him the "cabins" and other "improvements" on the twelve claims, and in addition, agreed to introduce the Special Agent to several residents of Detroit, who were "personally acquainted" with each homesteader.

My next thought was for Mr. Loomis' entertainment and comfort, so I instructed Heidecke to have a saddle horse for the special agent to ride, in addition to a pack animal, as Indian trails were the only available routes into the region. I also cautioned him to take along plenty of good things to eat and drink, particularly emphasizing the latter feature, and in all, to take the very best care of the old man, with a view to having him make a favorable report. I impressed on Heidecke that much depended upon him, and that, if he succeeded in showing all cabins, improvements, etc., to Loomis, I would give him $250 more, for his extra trouble, as I put it.

It was part of the game to keep both Loomis and Heidecke in ignorance of any monetary consideration, as between either of them and myself; in other words, not to let my left hand know what my right was doing in this respect. I aroused Heidecke's cupidity when I told him about the prospects of his getting an additional amount, and he responded joyously, "Good; just leave it to me."

Linn County Courthouse at Albany, Oregon, where Puter and McKinley operated extensively through Deputy County Clerk Robt. B. Montague

Heidecke then inquired if I was personally acquainted with Binger Hermann, then Commissioner of the General Land Office.

"I certainly am," I replied.

"Well, do you think you have enough pull with him to secure my appointment as a forest ranger?" Heidecke asked.

I assured him that I had and would see that he was appointed as soon as I returned to Washington, remarking further, that I expected to go there as soon as Loomis had filed his report concerning these lands.

This seemed to please Heidecke immensely, and he kept insisting upon my leaving all the details connected with taking care of Loomis to him, and that my interests would not suffer by the operation. Heidecke then returned to Detroit, to begin preparations for the reception of Special Agent Loomis. Thereupon I wrote the latter informing him of the arrangements I had made for Heidecke to meet him at Detroit, and of all preparations in advance of his coming for the proposed trip.

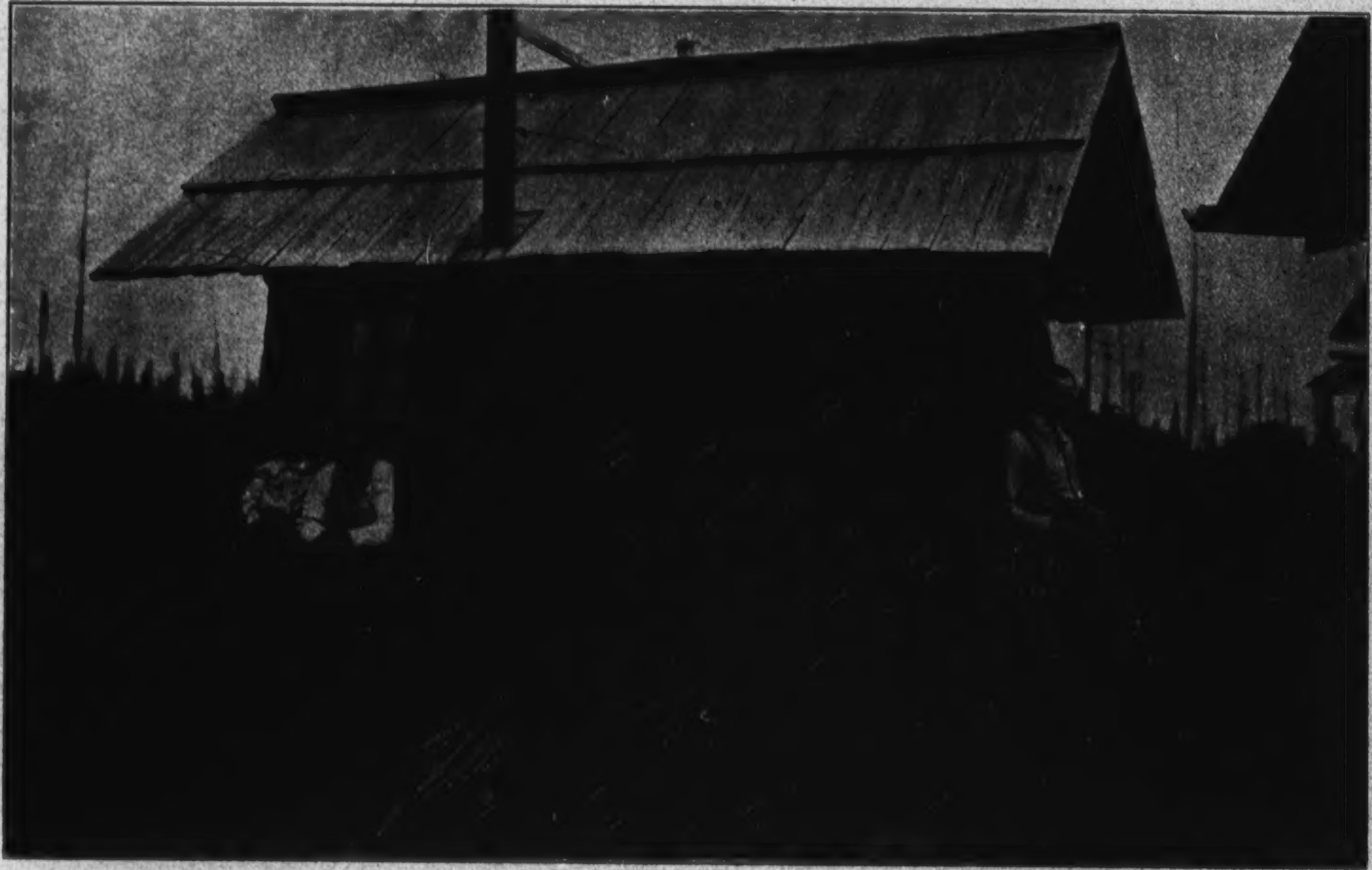
Some two or three weeks later I met Loomis in Portland, when he informed me of having just returned from his trip to Township "11-7," advising me that he had made a careful examination of the alleged improvements with Heidecke, whom he pronounced very much of a gentleman, rendering him every possible assistance in his work. Dr. Loomis declared that they had found all of the improvements on the twelve claims in question, although some were in a dilapidated condition, on account of the heavy snowfall of the previous winter, but that he had found sufficient evidence of habitation to justify the issuance of patents. He announced himself as satisfied that the homesteaders had acted in good faith, and had complied with the law to the best of their ability, and that he would recommend the entries to patent.

It developed afterwards that Heidecke had merely taken Loomis along some well-defined trails, that led past cabins belonging to other settlers in that part of the country, and had not been on any portion of the suspended claims with him, because it would have been a give away on both sides to have done so, and for the further reason, that they would necessarily have had to possess the agility of a goat to reach any of my claims, as they were practically inaccessible.

In speaking of the incident later to a friend, Heidecke confided that "he fooled the old man in great shape;" that after showing Loomis a certain cabin, belonging to a legitimate settler, in another township, he circled around for about half an hour, bringing up at the same cabin, but viewing it from the rear, instead of the front, as in the first instance, and later in the day, finding that he was running short of cabins, he halted Loomis, for yet a third time, at the same identical cabin, taking the precaution, on this occasion, to view it from the side. Little did Heidecke think, in his anxiety to protect my interests, that his guest on that occasion was only too glad to be fooled.

In speaking of the trip to me, Loomis stated that Heidecke introduced him to a number of residents of Detroit, and that he obtained affidavits from L. Jacobs, the store-keeper, and other citizens of the place, certifying to an acquaintance with all twelve homesteaders, and setting forth, in substance, how they had seen them a number of times during the past eight years, as they went to and fro to their claims, together with other testimony of material value. It has always been a mystery to me how he ever got those people to make such affidavits as that, unless he hypnotized them, as there was not one word of truth in anything they swore to. It is possible that Heidecke might have been smooth enough to make the affiants think they had seen those twelve entrymen up there at various times, but it could only have been accomplished through the inspiration of an optical delusion.

Loomis must have overdone the thing, as it was not a great while after he sent in his report before he called on me at my home in Portland and stated that he had received fresh instructions from the Commissioner of the General



Cedar Stump House in State of Washington

Land Office, requesting him to obtain personal affidavits from the homesteaders, with reference to their improvements, cultivation and residence on their claims. Loomis added that, inasmuch as he was acquainted with the character of the improvements on the claims, and knew practically what was required in the nature of affidavits by the Department, he had already prepared a lot, and asked me to round up the twelve homesteaders and have them appear before him for the purpose of attesting the same.

I immediately notified Mrs. Emma L. Watson, Nellie Backus, Thos. R. Wilson and Frank H. Walgamot, whom I found in the city, what would be required of them, and at the same time, I wired to San Francisco to "Geo. L. Pettis" and Maud Witt, to come to Portland, and upon their arrival, an appointment was made with Dr. Loomis at his rooms in the Imperial Hotel, where all of the above-named persons met and signed the affidavits, certifying to the improvements of the other six entrymen who were not present, some of whom, they declared, were out of the State, while others were out of the United States.

Some months after this, "Lookout" Tarpley informed me that he had heard, through Merritt Ormsby, a son of Captain Salmon B. Ormsby, Superintendent of the Cascade Forest Reserve, that the Commissioner of the General Land Office had instructed his father to go up into Township "11-7" and make an examination of the improvements and cultivation of these twelve homesteaders, and to ascertain, through affidavits of disinterested persons living near by, as to what they knew of the homesteaders, together with their improvements and residence on the claims.

As I was not acquainted with Capt. Ormsby, I concluded to try and work the old man through his son, Merritt, so I had Mrs. Emma L. Watson go to the Wells Fargo Bank of Portland, purchase a draft in the sum of $500, and indorse it to the order of Merritt Ormsby. I then went up to Salem and had a talk with the young man, telling him that if he could induce his father to go at once into Township "11-7," and make an examination of those twelve homestead claims and return a favorable report thereon, that I would pay him $500 as soon as the patents issued. At the same time, I flashed the $500 draft in full view, and told him that I would put it up in escrow, if he so desired. He promised to see his father right away, and the next day informed me he had had a talk with the old gentleman, who had consented to go on the trip without delay.

During my interview with young Ormsby, I impressed upon him the advisability of having his father correspond with Special Agent Loomis, with a view of meeting the latter before making the trip to "11-7," and in case he could not meet Dr. Loomis personally, to have his father endeavor to secure a copy of the Loomis report to the Commissioner, bearing upon the subject of these homestead entries, and which report, he had but recently forwarded to Washington, as I believed it would be of great benefit to his father, in view of the fact that Dr. Loomis had made a personal and thorough examination of the twelve claims prior to making his report.

I then sent "Lookout" Tarpley with Captain Ormsby to Detroit, and posted Tarpley, before leaving, in regard to Loomis' report and of Heidecke's connection therewith, instructing him to have the latter do about the same for Ormsby as he had done for Loomis, at the same time, handing Tarpley sufficient funds to entertain Ormsby in a befitting manner, settle the bills in general, and in addition, in view of the fact that the severe winter storms were probably wearing heavily on my old friend Heidecke, and believing that he would appreciate a little remembrance, I handed him a bill of respectable denomination to be given the erstwhile mountaineer.

Upon arriving at Detroit, Tarpley lost no time in advising Heidecke of the situation, at the same time presenting to him the greenback I had entrusted to his care for that purpose. The result was, the necessary affidavits were obtained from the different so-called disinterested persons, living in and about Detroit, in regard to the residence and improvements of the twelve alleged homesteaders, and which affidavits Heidecke procured in short order. At this time it was about the middle of January, 1902, and the snow was at least six feet deep over the entire township. Notwithstanding this fact, Captain Ormsby, accompanied by Heidecke, started for Township 11-7, while Tarpley, believing that his mission had been fulfilled, returned to civilization, after remaining out one night with Ormsby during the "inspection."

Some two or three weeks later I met young Ormsby in Salem, and was informed by him that his father had made out his report and had forwarded the same to Washington; also that he had seen Special Agent Loomis before doing so, and as near as he could find out, the report would be favorable.

It developed later that Heidecke had failed to carry out his part of the programme, whether because he realized that he had gone too far already in the matter of his connection with the Loomis report, or because of the insufficiency of the amount sent to him to play the same part over again in the handling of Ormsby, I have never been able to determine. I do know, however, that Heidecke had no sooner started on the trip with Ormsby toward the mountains, when he was seized with a severe attack of the "cold feet" complaint and turned about for home, at the same time, informing Forest Superintendent Ormsby that there wasn't a cabin anywere to be found up there; that he had made the trip with Special Agent Loomis some time before, and that it could serve no good purpose to do the same thing over again. Just how Ormsby and Heidecke patched up matters between them, I have never been able to learn, but of one thing I am certain, Heidecke signed affidavits for Ormsby, testifying as to the cabins and improvements on the claims of the so-called homesteaders, all of which Ormsby accepted and forwarded to Washington, notwithstanding Heidecke's personal statement to him that the cabins and improvements never existed.

Inasmuch as I was unable to learn definitely as to the character of Forest Superintendent Ormsby's report, further than the information volunteered by young Ormsby, and which was only an opinion, I concluded to call on my old friend Mays once more, advise him of the status of affairs and learn what he had to say about the matter; so, after relating to him all the circumstances, including the various transactions wherein offers of money had been made, as well as paid, to those standing in the way of patents, particularly calling his attention to the Ormsby obligation of $500, Mays said that it would be a good plan for me to go back to Washington and see Senator John H. Mitchell, and get him to help me out. He also suggested, because of the claims being in the name of Mrs. Watson, that it would be well to have her go to Washington also, as the Senator, if it could be made to appear that Mrs. Watson was suffering on account of the delay, would probably exert himself more on her account than he would be disposed to do in the case of a man, Mays remarking at the time, "a woman's influence, you know, is always supreme."

I told Mays that I thought his suggestion a good one, and stated that I would communicate with Mrs. Watson immediatey, which I did, addressing her at Los Angeles, California, and urging that it would be necessary for her to go on to Washington and requesting that she advise me if this would be agreeable to her and if so, when she could make the trip. Upon receiving a reply, in which Mrs. Watson told me that she would go to Washington and would probably arrive there about March 1st, I called on Mays again, informed him of Mrs. Watson's disposition in the matter, and asked him for a letter to Senator Mitchell and to make it good and strong, telling the Senator how important it was that the patents issue without delay, and that I would certainly make it all right with him.

Mays agreed to comply with my request, so I purchased a ticket, called again at Mays' office, for the letter, and on the following day started for Washington, D. C.

Arriving at the Capitol city, about February 28th, 1902, I went direct to the Dewey Hotel and called upon Senator Mitchell, delivering the letter which

"Bearing Tree" in 11-7

had been given me by Mays. After the Senator read Mays' letter and heard what I had to say, he stated that he would be very busy that day, but for me to come around the next morning at 9:30, and he would see what could be done. Promptly at the time appointed, I called at the Senator's rooms, and went into all the details about the twelve claims, insofar as it might appear as a legitimate transaction, telling him that if he could devote a little of his valuable time to my case, and secure for me the issuance of patents, I would pay him well for his trouble. The Senator evinced a willingness to do all he could for me. We then took a carriage and drove up to the Land Department for the purpose of seeing Commissioner Binger Hermann, and after exchanging greetings all around, the Senator asked Mr. Hermann for the status of the twelve claims.

Commissioner Hermann accompanied us to Division "C," where we learned that it would be necessary to go to Division "P," so we took the elevator to one of the floors above and proceeded to the division in question, where Mr. Hermann asked one of the clerks for a status of the entries, at the same time handing him a list of the same. As the information could not be procured forthwith, the Commissioner instructed his clerk to bring it to his office, whereupon Senator Mitchell proceeded to the Senate Chambers and I returned with Mr. Hermann to his office to await the clerk's report.

About fifteen minutes later, the clerk appeared and handed to Commissioner Hermann the status of the entries, stating that the reports had all been received, that of Superintendent Ormsby having just arrived, and that they were all favorable, but that it would be several months before they could be acted upon, as they would have to come up in their regular order.

I then asked the Commissioner if it would be possible to have the claims made special, to which he replied that this could be done, provided, however, that I could show good cause why such action should be taken.

As I could not think of any "good cause" why my claims should be made special, I hesitated to make reply and evidently looked perplexed, as Mr. Hermann came to my rescue with the suggestion that I think the matter over and see Senator Mitchell again, whom he had no doubt could prepare an affidavit for me that would be acceptable to the Department.

Acting upon the advice of the Commissioner, I called upon Senator Mitchell again that evening and informed him of the status of the entries; how all reports received had been favorable, but that, inasmuch as Superintendent Ormsby's report had been received but a few days ago, it would probably be several months before the Department could act, unless they were made special. I then informed the Senator of Mr. Hermann's suggestion that I see him. and have an affidavit prepared setting forth the facts and showing cause why the patents should be expedited.

The Senator then asked me if I could present any good reasons why my claims should be made special, and which would warrant the expediting of the patents. I replied that I did not know exactly what was required; that my anxiety concerning the patents arose from the fact that I had bought the claims one year previously, and that they were now standing in the name of Mrs. Emma L. Watson, a widow, who had considerable money involved in the transaction, and was anxious to get it out; also, that under the present situation of the title, I could not dispose of the land, or borrow any money thereon. I then handed the Senator the abstract of title, showing the claims to be in Mrs. Watson's name. After reading it over, he asked me where she was, and I replied that she was on her way to Washington City and was due to arrive at any moment.

The Senator then informed me that it would be necessary for Mrs. Watson to make an affidavit, setting forth some good reason why the patents should be expedited. This, he stated, he could prepare for her in advance, as I was probably familiar with the facts and could aid him in the preparation of a list of questions that would cover the ground. I informed the Senator that I believed this possible, so he then asked me several questions relative to Mrs. Watson's need of the money that was involved in the entries, and if there was any danger of her suffering financial loss on account of delay. I replied that she had mortgaged some property in Seattle in order to get the money to put into these lands; that the mortgage was past due, and that she was hard pressed for the money.

Senator Mitchell assured me, under these circumstances, that Mrs. Watson could make an affidavit sufficiently strong to secure the expediting of the patents, and that he would prepare one in the meantime and have everything in readiness when she arrived.

Upon Mrs. Watson's arrival, March 3rd, or two days after my conversation with Senator Mitchell relative to the affidavit, I escorted her to the Senator's rooms at the Dewey Hotel and introduced them. The Senator received her very graciously, and a few moments later handed her the affidavit, which was in typewritten form, remarking that if she found it to be satisfactory, it would be necessary for her to sign and acknowledge the same. Upon her expressing some doubts relative to the contents of the document, Senator Mitchell asked her if I had not explained its nature, and she replied in the negative, stating that she had just arrived in the city and had not had an opportunity to talk the matter over with me, but admitting, however, that I was attending to the details for her.

"But, Senator, if you and Mr. Puter say it is all right for me to sign it, I will do so," she added.

Senator Mitchell then explained that the affidavit was prepared for the purpose of showing her interest in the lands, as a basis for having the patents expedited. We then took a carriage and drove to the Commissioner's office, where Mrs. Watson was introduced to Mr. Hermann by the Senator, the latter explaining to the Commissioner how Mrs. Watson had come all the way from the Coast, in order to try to secure patents to her lands, and mentioned the fact that he had prepared affidavits for the purpose of showing why the claims should be expedited, and which he would send to the Department immediately.

Mrs. Watson, the Senator and myself then drove up to the United States Senate Chamber, where we were introduced to a notary public, who took Mrs. Watson's acknowledgment, and also that of my own to an affidavit similar in effect to that made by Mrs. Watson.

While in the carriage on the way to the Senate Chamber, Senator Mitchell advised Mrs. Watson that it would be a good idea for her to call around and see the Commissioner quite often, as it would help her out by getting acquainted with him in this way and it might also tend to stir him up. He said that she would find Mr. Hermann a very agreeable man to talk with, and that he would take an interest in her case.

Mrs. Watson took the hint and made a practice of calling frequently upon Mr. Hermann, and he would invariably request some clerk to let him know how matters were progressing with regard to certain claims about which he had given instructions, and upon receipt of the information, Mr. Hermann would advise Mrs. Watson as to the progress being made, explaining to her on the occasion of each visit, that the work involved was of considerable magnitude, and that much time was required in its execution, thus soothing whatever anxiety she might have entertained in this direction.

Within four or five days after Mrs. Watson's first call on the Commissioner, I decided to pay him a visit personally, and upon arriving at his office, Mr. Hermann picked up a document from his table, remarking as he held it in his hand, that he had received it but a few minutes before from Division "P," and which document, as Mr. Hermann explained, contained a full report of the findings of said division, the result of which knocked us out completely on the twelve claims at issue.

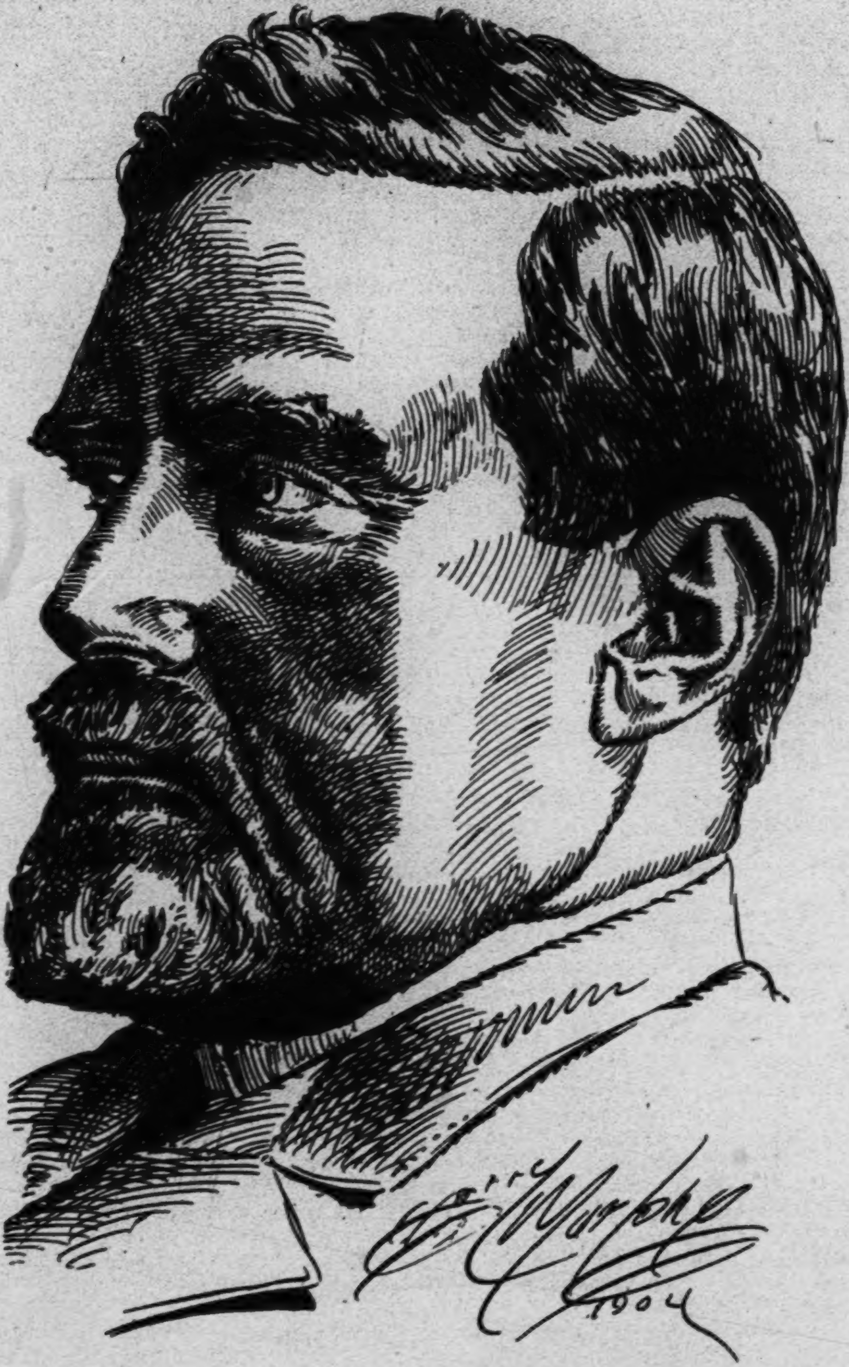
This was a body blow which well nigh took my breath, but recovering my composure, I said: "Mr. Hermann, what am I to do?"

To which he replied in substance: "Now Puter, can't you return to Oregon, round these people up again, and secure proofs sufficient to warrant the issuance of these patents?"

Mr. Hermann's demeanor throughout, after stating that we had been knocked out completely, was such as to inspire me with hope, that, if certain conditions were complied with, the patents could be pulled out. Not stopping to ask what these conditions were, or making further inquiry into the contents of the document which Mr. Hermann held in his hand, I cut the conversation short by asking that he, as a personal favor, would defer further action on those claims until I could have a talk with Senator Mitchell, which request the Commissioner readily granted, assuring me that ample time would be extended for that purpose. Thereupon I went up to the Senate Chamber and waited for the Senator to come out.

When Senator Mitchell appeared, I took him to his hotel in a carriage, and in the course of the interview that followed, I told him exactly what Mr. Hermann had said. The Senator expressed his regrets at the turn of affairs, stating that he did not expect anything of the sort. After thinking the matter over for a few moments, he asked me if I did not think it best to follow Mr. Hermann's suggestion, and return to Oregon, where additional proofs might be secured.

I replied that it was simply out of the question—that the entrymen, after making final proof, had scattered to the four winds, some of them going to



Binger Hermann, Ex-Commissioner of the General Land Office under indictment in numerous land fraud cases

Alaska, some to Manila, and others to distant lands, and that it would be an utter impossibility to get them together again on a measure of that sort; also that those remaining in Oregon would attempt to hold me up for more than the land was worth, should I ask them to do anything more to perfect their titles. It was my sole purpose, at that particular moment, to close the deal, once and for all, and I was not to be put off, and I had no hesitancy in telling the Senator that, so far as the original entrymen were concerned, they had fulfilled their obligations to the letter, and that it was up to me to secure patents to the lands which I had bought and paid for. This, as I explained, could not be accomplished in Oregon—the City of Washington was the place—that I was on the ground with but one object, and that, as he well knew, was to secure title to those claims.

I went on to explain that I had considerable money tied up in the claims already, and that, unless he could pull the patents out for me, and at once, I would be put to considerable financial loss.

"Senator," I said, vehemently, "I want you to go over and see Mr. Hermann yourself, and try to get him to reconsider his action. I fail to perceive any reason why those patents should not issue."

The Senator, at this point, proceeded to assure me that he would see Commissioner Hermann at the earliest possible date, and would devote as much time to my interests as he possibly could, consistent with the many demands made upon him, in performance of the everyday routine of business.

"Now, Senator," said I, "delays are dangerous, and besides, I have other matters which demand immediate attention. Already I have something like $8,000 tied up in these lands, and I cannot afford to lose that amount. The truth is, Senator," I continued, "I stand ready to put up the last dollar that I expect to receive for those lands," and pulling two $1,000 bills out of my pocket, I placed them on the table in front of the Senator, with the remark that I considered his services well worth that amount, and insisted that he accept them and represent me, to the end that patents issue without further delay. I explained further, that with this expenditure, I would just about come out even on the deal, and that, as I fully realized his ability to represent me in the matter, I was only too glad to pay him this money for his services.

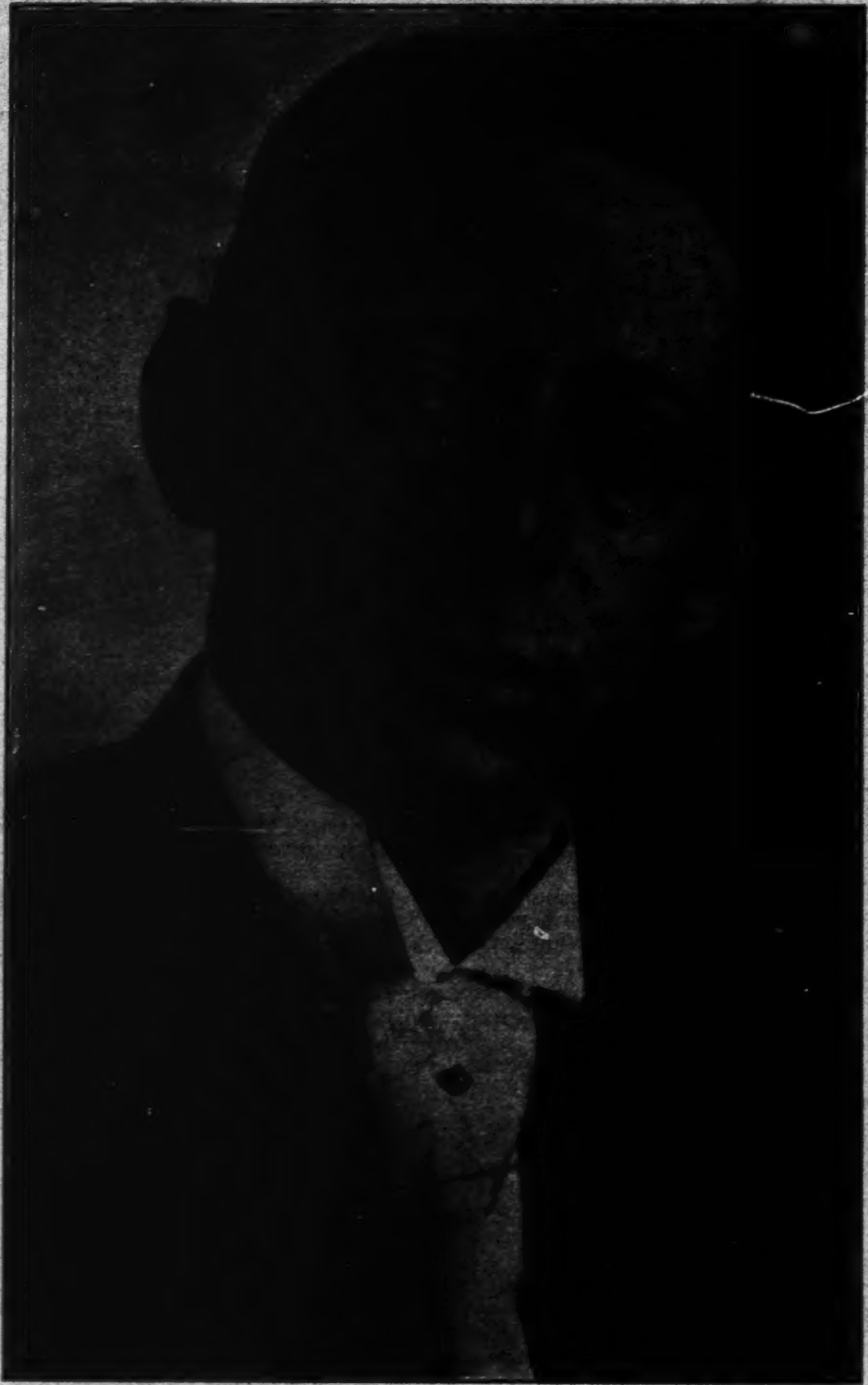
The Senator raised his hand in gentle protest, saying: "No, no, Mr. Puter, I cannot think of allowing you to pay that sum of money to me."

"That does not make any difference," I answered, "you must take it, Senator, for I have already occupied a lot of your time and I know full well, if you will go over the whole ground with Mr. Hermann, you will convince him that those patents ought to issue immediately."

I then reviewed the entire case with Senator Mitchell; how C. E. Loomis, the Special Agent, had made a thorough examination of the claims, relative to improvements and cultivation thereon, and had recommended the issuance of patents, in view of his investigations; also how he had secured affidavits from various persons residing in the neighborhood, all of whom certified to the good faith of the entrymen. I likewise cited the fact of Captain Ormsby, Superintendent of the Cascade Forest Reserve, having gone there and of his making a supplemental report, covering practically the same ground.

After listening to these arguments, the Senator said: "Mr. Puter, you cannot afford to pay me such an amount as this," at the same time, picking up one of the bills and pushing the other in my direction.

I tossed the bill back across the table to him and replied: "Senator, I insist on your taking this money; your services are well worth it in this case, and if you will only spare the time to go over the homestead proofs with Commissioner Hermann, together with the reports of Special Agent Loomis, and Forest Superintendent Ormsby, you will convince him that patents to those twelve claims should be issued without delay. I am satisfied that Mr. Hermann does not want to turn those entries down; I could see from his conversation and manner toward me that he stood ready to assist in every way possible, and am confident,



Daniel W. Tarpley, convicted with Pater and others in the 11-7 case
(Familiarly known as "Lookout Dan")

if you will give him a personal talk that all will be well with me." The Senator then accompanied me to the door, and placing his hand upon my shoulder, said: "Mr. Puter, I will call on Mr. Hermann immediately after dinner this evening, and if you will call on me tomorrow, I will report the result of our interview."

At nine o'clock next morning I called on the Senator at his rooms in the Dewey Hotel, at which time he informed me of having called on Commissioner Hermann on the evening before; of having gone over the ground with him, insofar as Mrs. Watson's pressing need of money was concerned; also laying before him the fact of my close personal friendship with Mr. Mays, of Portland, and in addition, the Senator added, "I told him how I felt about the whole matter and advised that he do something for you without further delay. Commissioner Hermann," continued the Senator, "then mentioned having known you for a long time, and when he expressed himself as feeling kindly toward you I lost no time in 'fixing' things up with him, and I feel confident that you will experience little or no further difficulty."

The Senator then suggested that I call around and see Mr. Hermann that afternoon or the following morning and that he would probably have something definite for me at that time.

About 2 o'clock, while on my way to the Land Department, I met Mr. Hermann, who informed me that the Senator had been up to see him and that they had talked matters over relative to my twelve claims, and that it was his purpose to take the matter up personally and, if within his power, he would have the patents issued.

I did not find it convenient to call on Senator Mitchell again that evening, but paid him a visit on the day following, when I proceeded to inform the Senator that I had met Mr. Hermann on the afternoon of the day before and that he had promised to take the matter of my patents up personally.

"It is evident, Mr. Puter, that I have seen Mr. Hermann since you talked with him last," broke in Senator Mitchell, "as he told me last evening that he found everything all right and had decided to issue the patents."

This was good news to me, so I repaired at once to the Commissioner's office, and was told by Mr. Hermann that he had ordered the patents issued and that I would get them in a few days.

Two or three days later, I called again on the Commissioner to make sure of the ground, and Mr. Hermann sent one of his clerks down into the basement with me, where we found a female clerk, whose business, I was given to understand, was to write up the patents, and I ascertained that she was working on those of mine, much to my satisfaction and relief, for now, at last, the long chase was indeed drawing to a close.

I then returned to the Dewey Hotel and informed Senator Mitchell that everything was all right, as I had seen several of my patents made out, and that the others would be forthcoming immediately, so I bade him goodby and returned to Portland, Oregon, via California, and when I arrived in Portland, the entire twelve patents were awaiting me.

Calling on F. Pierce Mays immediately on my return, I gave him a complete history of my experience in Washington; how I had "backed and filled"—lost and won—only to lose again, and how, in my last desperate effort, as it were, I planked down a cold two thousand, and, in the immortal words of the Yankee trader who said, "Money talks," I managed to come off victorious, though I was forced to admit, without having added materially to my bank account.

After finishing my story, I thought that Mays would have a fit, right there and then.

""Two thousand dollars—two thousand dollars," he repeated, "why, man, what were you thinking about?"

"Had to be done," said I, "it was a case of come through or lose everything."

To say that Mays was angry with me would be expressing it mildly. He said that those people in Washington would think I was made of money and would eagerly await my return visit.

"Yes, sir," said he, "you have ruined the game, Puter, and from this time on, it will be a case of 'money talks' or no business, whereas, heretofore, we could get most anything asked for at comparatively little expense."

Mays thought that $500 was a great plenty for the work involved, and upbraided me severely for having paid a cent more.

Having escaped from Mays' office, the question arose as to which of my experiences was the most exciting. In Washington, I was in danger of becoming a bankrupt and losing my credit; while upon my return home, it appeared, for the moment, that my very life was in jeopardy.

My first thought was to leave the country, but as I had gone to the trouble and expense to secure patents to those lands, I decided to stop off at Albany, Oregon, where I had the patents recorded and obtained an abstract of title. I then mustered up sufficient courage to return to Portland, where I called on Frederick A. Kribs, the financial agent of C. A. Smith, the millionaire lumberman of Minneapolis, Minn., mention of whom has been made in a former chapter. I informed Mr. Kribs that patents had been issued to the twelve claims in Township "11-7" and that, as I had agreed to sell them to him upon receipt of patents, I asked as to his disposition in the matter at this time.

Mr. Kribs was glad to learn that the title had been made clear, as he had an opportunity to select twelve quarter claims of extra fine timber land in lieu thereof.

As Mr. Kribs wanted to secure transfer of the property immediately, I had him make out a deed, which I presented to Mrs. Watson upon her return from the East, and had her appear before a notary public to acknowledge the same, transferring the property to Kribs, after which Mrs. Watson returned the deed to me, and I called on Mr. Kribs again, turning over the deed and abstract of title to him, and receiving in return, a check made payable to Emma L. Watson in the sum of $10,080, which was at the rate of $5.25 per acre. The check in question was delivered to Mrs. Watson by me and deposited by her to her personal account, at which time she deducted the amounts advanced toward the purchasing of the claims, together with the amount she was to receive for her personal claim, and handed me a check for the balance.

"T. A." Ranch on Crazy Woman Creek Wyoming where the Cattle Rustlers' War terminated in 1892

Chapter V

Emboldened by their success in the "11-7" deal, Puter and McKinley seek new worlds to conquer, and are rewarded by making a rich haul in Township "24-1"—McKinley plays an interesting hold-up game with Clyde Lloyd in the transaction, his careless methods resulting in laying the foundation for subsequent Governmental prosecutions—The irrepressible Franklin Pierce Mays also takes a hand in the game upon a percentage basis, and poor Hobson is left with his usual choice.

DURING April or May, 1901, McKinley and I discovered that Township 24 South, Range 1 East, Willamette Meridian, had been surveyed and become subject to entry, and as the township was located within the range of the Cascade Forest Reserve, and was practically in the same condition as "11-7" when we located the twelve claims there, and being emboldened because of our success in the latter township, we concluded to try our luck again in locating some more homesteaders, in the same manner pursued in "11-7," with the object of acquiring the basis upon which to make other selections.

Up to this time, be it known, we had experienced no difficulty in the matter of our operations in Township "11-7;" the claims having been acquired, final proofs made, and deeds transferring the lands to Mrs. Emma L. Watson having been executed, without the slightest intimation of impending trouble. It only remained, therefore, from outward appearance, to await the issue of patents, at which time the base in question could be relinquished to the Government and other lands selected in lieu thereof.

As Township 24 South, Range 1 East, was situated on the headwaters of the Middle Fork of the Willamette river, and at an altitude of 4,000 feet and was miles away from any settlement, the conditions made it all the more favorable to our plans, as it was not likely that any one would know whether the homesteaders we located there were bona fide settlers or not.

As the township was located in Lane county, McKinley contended that the homestead filings as well as final proofs could be made before Marie L. Ware, the United States Commissioner at Eugene, the county seat, and he suggested further, because of the fact of Miss Ware being in love with him, that we could work the "dummy" proposition for all it was worth.

Miss Ware was the daughter of Joel Ware, one of the most respected citizens of Lane county. He had been the Clerk of Lane county for a number of years, and had filled various other official positions during his long residence in Oregon, the last being United States Commissioner.

For several years prior to her father's death, Marie had acted in the capacity of clerk in the office, and in that way became quite familiar with official forms. It enabled her to gain an intimate knowledge of land office business coming before her, such as receiving filing papers, and entering them upon the records and township plats; taking final proof of claimants, and testimony of witnesses besides hearing the testimony in contest cases, etc., afterwards transmitting the same to the Roseburg Land Office.

For a year or more before her father's death, Marie conducted all the business that went through his office. Whenever any persons desired to make final proof, she would take down their testimony, afterwards escorting them to her father's bedside, where he would have them acknowledge their signatures, and then attach his official seal to the documents. Mr. Ware continued to fail in health, until finally the United States District Judge, Hon. Chas. B. Bellinger, appointed Marie as his successor. She was an exceedingly vivacious girl, brimful of spirit, and very attractive in many ways, with rich auburn hair resembling burnished gold. McKinley, although already married, had been her sweetheart for years, and their infatuation has since culminated in the divorce of the McKinleys and the subsequent marriage of Horace and Marie.

When McKinley and I came to an understanding with reference to filings in Township "24-1," it was agreed between us to dispense with the formality of securing bona fide settlers, as that process would only incur unnecessary expense, and because of the intimacy which existed between Horace and Marie, the "dummy" proposition could be resorted to without fear of detection, and would prove by long odds the most satisfactory from a financial standpoint. This plan, therefore, was decided upon, and McKinley suggested that I go to Eugene and call on Marie, informing me at the same time that he had previously talked the matter over with her and that everything would be all right.

Visiting Eugene, I called upon Miss Ware and advised her of the object, whereupon she expressed a willingness to do the work and wanted to know what there would be in it for her. We eventually reached an agreement whereby I was to allow her $100 on each claim put through, which was to be paid her as soon as final proof was made and the certificate issued by the Receiver of the Land Office, and in addition, I was also to pay the land office fee, advertising expenses, and cost of final proof, which altogether, amounted to practically $50. This township being double-minimum land, i. e., within the indemnity limits of the California & Oregon Railway Company's grant, the expense was doubled.

In return for the consideration named, Marie agreed to fill in on the filing papers the description of the land to be located, attend to the advertising, and at the time of making final proof, to fill in all the questions asked on the blanks, both for the entrymen and their witnesses. This she did on the typewriter, so it only became necessary for me to procure signatures to represent the different entrymen and their witnesses to the various blanks.

After reaching an agreement with Marie, she handed me several sets of papers, including homestead applications, homestead affidavits, final proof blanks for claimants and witnesses, affidavits of publication, non-mineral affidavits, blank deeds, and one or two other forms such as were required in making homestead entries. This was for the purpose of enabling the applicant to sign all the papers at the same time, thus obviating the necessity of appearing before her or anyone else again. Although illegal, it avoided a whole lot of red tape procedure. It will be seen that this method guaranteed an exact duplicate of the signature on each set of papers from the application down to and including the very deed itself, and as Marie had agreed to act as notary in the taking of acknowledgments of the signatures in question, there could be no hitch in the proceedings, nor would it be possible to introduce an outsider at some later date to prove that the signatures were other than genuine throughout.

Returning to Portland, I called on McKinley and informed him of the arrangements I had made with Marie, and stated that it was my intention to call on my old stand by, F. Pierce Mays, and let him in with me on the deal.

My object in so doing, as I explained to McKinley, was to secure the expediting of the patents at the earliest date possible, and this, I believed, could be accomplished through Mays quicker and better than through any other source, and besides Mays felt more or less aggrieved because of being left out on the "11-7" deal, and I thought, by letting him in on the "24-1" deal, to right matters with the old man and place him in line again for further operations. I suggested to McKinley that he, too, take Mays in with him, in whatever claims he might put through personally in the same township.

I then called on Mr. Mays and explained to him the scheme, whereby it was proposed to secure a lot of homestead claims, which were situated in a township, the surrounding conditions being similar to those in Township "11-7." I gave him full particulars with reference to my arrangement with Marie Ware,

Puter cooking flapjacks on one of the bogus homestead claims in Sec. 10, Tp. 1 S., R. 6 W., Tillamook County, Oregon
It is estimated that there are 25,000,000 feet of yellow fir on this 160-acre tract

whereby she agreed to permit of the "dummy" system being employed in securing title to the lands, for which services she was to receive the sum of $100 in each instance, and in addition, the actual expenses for land office fees, etc., or about $50 extra, making $150 in all for each claim put through.

After examining the map to determine that the township was located as represented and within the limits of the Cascade Forest Reserve, Mays consented to go in with me on the deal, he to pay one-half the expenses and to receive one-half the profits.

When the subject of patents came up, Mays said that he would attend to that feature, as he was in a position to have them expedited without delay. He could not tell, however, off-hand, what it would cost, but that was a matter, he stated, that could be adjusted in final settlement, so I agreed to take him in as a full-fledged partner.

He wanted to know how many claims I expected to put through by the process described, and I replied that I could not say, as it all depended upon circumstances. My idea was to run through a few at a time, so as to avoid arousing suspicion. Mays thought, however, that we should get at least twenty-four or more right away, but I objected to that on the ground that the officials of the Roseburg Land Office would become suspicious if called upon to issue so many final certificates all at once in a single township.

I then went down town and secured applicants who signed up two sets of papers for me, and mailed them, together with a check for $100, to Marie Ware at Eugene, and requested her to make the filings. I also gave a bunch to McKinley and asked him to have them signed and forwarded to Marie.

Several days later I received a letter from Marie, stating that she had filed the two applications sent up, and that Horace had left five sets of papers with her to be filed for me, and requesting that I send her the necessary fees. I thereupon inclosed her a check for $250, and requested her to make the filings, which was done. A week or so after this I sent her another bunch, but she wrote back that McKinley had instructed her not to make any more filings.

I met Horace on the streets of Portland a few days later, while he was en route to La Crosse, Wis., and asked him what objections he had to Marie filing the last bunch of homestead claims. He replied that he did not propose to permit her to file those entries for Mays and myself, unless he could be figured in on the deal. I then told Horace, as I had in the beginning, that he, too, could go in with Mays, the same as I had done, and that whatever they put through independent of me, I should claim no interest in. He urged that it was giving Mays too large a share, and proceeded on his journey without any definite understanding on the subject.

I sent Marie a check to cover the expense of filing the last bunch of papers forwarded her, and again requested her to file the same. Some days later, she returned them, together with my check, and said that, upon receipt of my letter, she had wired Horace at LaCrosse to know whether or not she should file the last bunch of entries, and that he had telegraphed a reply, directing her in positive terms not to do so. I thereupon telephoned her to come to Portland, which she did at once, registering at the Imperial Hotel.

Upon Marie's arrival, I called on Mays and told him that she was in town, at the same time explaining the circumstances of her coming, and he said he would have a personal interview with her. Mays then went up to the hotel and pleaded long and eloquently with her to recede from her position, informing Marie that there were but three days left in which to file the homestead claims, as the ninety days were about up in which settlers would have prior right to initiate title, so he insisted upon her putting them through without further delay, but without avail, as Marie positively declined to take a single step without the consent of McKinley.

Mays returned to the office and reported to me all that had occurred, at the same time advising that I call on her again and see if I could make any

"Line-up" at the Vancouver, Wash., Land Office
during a "rush" for timber claims

impression personally, to the end that she would make the filings. I would probably have done this, but as Mays lost his temper, flew into a rage, and made a great many uncomplimentary remarks about the girl that I did not like, I concluded not to say anything more to her upon the subject.

It might be stated here, that although I succeeded in getting Marie to accept seven filings altogether, there were but six of these that were put through to patent, as the officials of the Roseburg Land Office discovered a discrepancy in the seventh, or what is known as the "Abbott Claim," and as we neglected to make the correction within the time set by law, this entry went by the board.

The names used to secure the six claims which finally went to patent, were as follows: Robert G. Tupman, Robert Simpson, Frank H. Herne, William H. Watkins, Samuel L. Carson and James Warwick.

About the time of making final proofs, I called on Mays and requested that he put up his one-half of the expenses, or $450, informing him that I had succeeded in securing but 6 claims, and that I had put up exactly $900 to date. I asked him at the same time to whom the lands should be deeded, as we did not care to be known in the transaction.

Mays thought it would be a good plan to leave the name of the grantee blank for the time being, and also the date, but to have the instrument witnessed and acknowledged. Upon my suggestion, however, he consented to have the lands embraced in the transaction transferred to Emma L. Watson, to be held by her in trust, and as for his share of the expenses, he said that he would advance sufficient to cover the expediting of the patents, and that we could have a general settlement of the account later on.

I then called upon Mrs. Watson and informed her that Mays and I had purchased 6 homestead claims in Lane County; that their first cost amounted to $900, and that, if she saw fit to advance the money, I would have the claims deeded to her, to be held in trust, and at the time of making a sale, would allow her a quarter interest in the net profits. Mrs. Watson agreed to accept my proposition, and gave me a check for $900, and as soon as Marie Ware had received the final certificates from the Roseburg Land Office, showing that the proofs of the six entries had been accepted, I paid her the money, after which, she filled out the deeds in the name of Emma L. Watson and I turned them over to the latter, and advised her not to record them until such time as I might suggest at a later date.

About a month after the claims had been deeded to Mrs. Watson, I met Clyde D. Lloyd on the street in Portland, and became engaged with him in conversation concerning timber lands. He was a friend of McKinley's from Wisconsin, and had been associated with him in several timber land deals. In the course of our conversation, Lloyd mentioned the fact that he had purchased three homestead claims of scrip lands in Township 24-1 from McKinley, paying for the same at the rate of $500 per quarter section, and he wanted to know about how long it took for patents to issue after final proof was made.

I realized at once, as soon as he mentioned that the claims were in "24-1," that they were among those that had been taken up by me and in which Mays and I were interested, as the six claims which Marie had put through for me were the only ones in that township that had been proven up on. In reply to my inquiry as to whether or not he had recorded the deeds, Lloyd answered in the negative, saying that McKinley had requested him to withhold them from record for awhile.

I went directly to Mrs. Watson and requested that she send her deeds to Eugene without delay and have them recorded, also intimating to her that I thought there was some sharp practice on foot. Acting upon my advice, she complied immediately with my instructions.

Some months later I met McKinley, who had returned from the East, and asked him what he meant by selling my lands to Clyde D. Lloyd. He answered that he had not intended to sell the lands to Lloyd, but that he simply wanted to

Section cornerstone of two fraudulent claims in 24-1. The first indictment against Puter, McKinley and Marie L. Ware, was based on six bogus entries made in this township

get into him to the extent of $1500, so as to force Lloyd to give him a written contract, in order to secure him on the "Marion County deal," and which transaction was as follows:

Some months prior to the time McKinley sold my three claims in "24-1" to Clyde D. Lloyd, his father, George Lloyd, of Wisconsin, had entered into a verbal agreement with McKinley, whereby he was to furnish money for the purpose of securing timber lands in the State of Oregon, and which lands, when purchased, were to remain in the name of George Lloyd, until such a time as they considered the price sufficiently advanced to justify them in disposing of the same. McKinley, it will be understood, was to select the land, at which time Lloyd Sr. would have his son, Clyde D., examine them, and if his report proved favorable, the amount was to be produced forthwith, and the deal closed. These lands were to be held in the name of George Lloyd until such time as he or McKinley learned of an opportunity to make transfer at a considerable advance, when, if agreeable to both parties, the land would be sold, at which time George Lloyd was to deduct the amount advanced by him, together with the interest thereon at the rate of 8 per cent per annum, and turn over to McKinley one-half of the net profits.

The above agreement, not being in writing, resulted in much confusion, as between George Lloyd and McKinley, and finally terminated in a civil suit brought by McKinley, through which he attempted to recover the sum of $12,000 which he claimed was due him by Lloyd, involving lands sold to the latter by himself, and which, as later developments will disclose, prompted the Government to make investigations which led up to the land fraud trials, and resulted in the conviction of so many of our prominent citizens.

This "Marion County deal" consisted of twenty-four claims, or 3812 acres and was sold by me to George Lloyd, through McKinley, the sale price being $5.60 per acre, or $21,347.20.

Some months after these lands had been purchased by Lloyd from me, and through McKinley, the latter learned that Clyde D. Lloyd was negotiating for the sale of the lands, and that he had, in fact, given an option to a certain party, the price named being $12.50 per acre. This option was given without the consent of McKinley, nor had he been consulted in regard to the matter. McKinley, when he learned what was being done, called on Lloyd, Jr., and asked for an explanation, but could get no satisfaction, Clyde Lloyd refusing to discuss the matter further than to state that if the tract was sold, McKinley would be taken care of to the amount of his interest in the lands.

It is needless to say that Lloyd's demeanor toward McKinley, at this time, was not to his liking, as it was evident to the latter that Lloyd intended to sell the lands and to pocket the entire profits, else he could have no objection to acquainting him with particulars in regard to his action in offering the tract for sale.

McKinley, of course, fully realized that Lloyd had the upper hand, as his agreement with the elder Lloyd was purely verbal, and it would be difficult for him to establish his right to a half interest in the net profits, as was evidenced by the fact of his bringing suit against Lloyd, Sr., through his attorney, Judge Thos. O'Day, asking for $12,000 commissions, which he figured as being his share of the net profits, based on the option price named by Clyde Lloyd in offering the lands for sale at $12.50 per acre.

This suit dragged along for something like a year and a half, and finally terminated in favor of Mr. Lloyd, it being impossible for McKinley to prove his equity in the absence of a written contract.

These lands, instead of being sold for $12.50 per acre, were actually disposed of by Lloyd at the rate of $24 per acre, the purchaser being W. H. Gilbert, of Ashland, Wisconsin. The sale was consummated through M. B. Rankin, of Portland, Oregon, and George P. Brayton, of Chicago, Illinois.

To return to the subject of the six claims in Township "24-1," it was but a short time after final proofs had been made when F. Pierce Mays called me up over the 'phone and asked me to call at his office. Upon doing so, much to my surprise, he informed me that he had just received the patents to the claims in question, and I could not but express wonder that they should be issued in so short a time, as it usually required from one to two years, and frequently longer, to secure them. It indicated to me that Mays had not been talking at random when he informed me that he had facilities for expediting patents.

Mays stated that they had cost $100 each, or $600 in all, and as I had expended a sum total of $900 in securing the deeds, the account showed a balance due me of $150 in order to make an equal division of the expenses between us, and we agreed to settle upon that basis. Mays then suggested, if it made no difference to me, that he would accept three of the claims as his share, as he did not wish to dispose of them at that time. This, also, was satisfactory to me. Whereupon Mays handed me three of the patents, retaining the other three. Those held by Mays were those of Robert G. Tupman, Robert Simpson and Frank H. Herne. Mays then requested that I have Mrs. Watson transfer his three claims to Thaddeus S. Potter, a law clerk in his office, and some kind of a relative by marriage, which request was complied with.

Scene in Township 8 S., Range 3 E. (Marion County, Ore.) on State lieu selections, embracing 50 quarter sections, sold by Puter in 1899 to Abaqua Lumber Co., of Wisconsin, for $4.00 per acre, and purchased in 1907 by L. B. Menefee, Jessie H. Jones and J. M. Rockwell, of Houston Texas, for $87.50 an acre. Held by present owners at $150 an acre

Potter was afterward convicted jointly with Willard N. Jones, for complicity in the Siletz Indian Reservation frauds.

The three claims belonging to Mrs. Watson and myself were sold to Geo. B. McLeod, treasurer of the A. B. Hammond Lumber Company, the sale price being $5 per acre.

A few weeks after closing with Mays, he again requested me to call at his office, which I did, and he informed me of having received a letter from Edwin Hobson, a timber speculator of Eugene, which stated in effect that he had purchased the southeast quarter of Section 2, in Township 24 South, Range 1 East, known as the "Robert Simpson" claim, and that he had noticed the same land had been included in a deed given by Simpson to Mrs. Watson, and from her transferred to Thaddeus S. Potter, the presumption being, upon the part of Hobson, that Mays was, in fact, the real owner of the tract. Mays inquired what I knew about the matter, to which I replied that I was entirely in the dark on the subject, although I agreed to ascertain the facts without delay.

Calling upon McKinley for an explanation, he informed me that the claim had been deeded to Edwin Hobson, with the understanding that the document was not to be recorded until later on, but while he was East, Hobson had become alarmed upon learning that a deed to the same quarter section had been recorded, showing the claim to be in the name of Emma L. Watson. He made haste, therefore, to place the deed on record, and immediately communicated with Mays in the hope of learning the true status of the matter.

The latest information, as related by McKinley, put a new phase on the situation, as it was clearly evident to me that affairs were becoming more complicated all the time, as it was also apparent, unless a stop was put to the whole proceeding, and matters straightened out without delay, that I was very likely to become involved in serious trouble. My first thought, therefore, was to force McKinley to tell the whole truth and reveal everything, so that I might be enabled to determine on some action to avoid further complications.

Summoning McKinley to my room at the hotel, I gave him to understand that I must know exactly how everything stood, and that, if he expected me to help him out of the difficulty, it would be necessary for him to give me all the particulars with relation to this Hobson transaction, as well as that connected with his action in disposing of my claims to Clyde D. Lloyd for $1500. This McKinley agreed to do, the story given me at the time being, in substance as follows:

"Lloyd," said McKinley, "agreed to settle with me in the sum of one-half the net profits derived from the sale of the Marion county lands, it being understood betwen us that I was to be consulted in advance of any sale being made. This understanding was being violated, insomuch as Clyde D. Lloyd attempted to negotiate a sale without my knowledge and consent, and which action, upon his part, convinced me that all was not right, more particularly after my asking him for an explanation, which he refused to give. I then planned to get the drop on Lloyd, and in pursuance of this purpose, I took him to Salem, where I secured his appointment as a notary public. My next move was to inform Lloyd of a certain scheme whereby it would be posible for both of us to make a little easy money, and which, I informed him, could be accomplished by filling in a bogus deed to a claim in 24-1, and which deed he could certify to and acknowledge as notary public, after which, we could dispose of the claim to one Edwin Hobson, of Eugene, Oregon.

"My plan looked good to Clyde Lloyd, and he readily assented to go in with me on the deal, so I made out the papers in the presence of Lloyd, using the name of Robert Simpson, after which Lloyd acknowledged the signature and affixed his notarial seal to the document. We then called on Marie Ware, who was not supposed to know anything about the transaction, so far as Clyde Lloyd was informed, and the latter, in handing over the papers, advised Miss Ware that he had just acknowledged the signature of Mr. Simpson to the deed, at the same time collecting $575 in full payment of the contract price named therein. Lloyd also instructed Miss Ware that she might retain $50 for her trouble, and that she was to hand the balance, $525, over to McKinley when he called, and who, in turn, was to deliver the money to Mr. Simpson, for whom he was acting as agent.

"This deal," continued McKinley, "was comsummated within a few days from the time it was first planned, and when the money was received by Marie and handed over, I divided up with Lloyd as per original agreement."

McKinley then went on to explain, as he appeared at this time to be anxious to reveal the whole truth, that his sole and only purpose in turning this first deal with Lloyd was to place the young man in a compromising position, as he believed that by having him acknowledge the signature of a fictitious person and attach his seal to a bogus deed, he might eventually force him to make settlement of the commissions due on the Marion county deal, under threat of exposure.

As to the three claims sold to Lloyd for $1500 and which, as hereinbefore stated, belonged to me, McKinley admitted, at the time of making this sale, that he was really hard pressed for money, and that, insomuch as Lloyd was indebted to him, he thought it would only be fair to secure the money through this source.

It will probably seem incredible that Lloyd, after entering into a conspiracy with McKinley to defraud Hobson out of $575 but a short time before, should allow McKinley to turn around and treat him in like kind; nevertheless, that is exactly what happened, and as McKinley said afterward in relating the circumstance to me, Lloyd looked like ready money, and as he was in urgent need of finances at that time, he decided to bump him to the tune of a thousand and a half, and had no difficulty in carrying his plans into execution.

I entered a vigorous protest against this sort of business, but McKinley—who was exceedingly easy going—declared that there was no danger of getting into trouble, as he calculated from the first to repay Hobson and secure a reconveyance from him. In the meantime, McKinley said, he was not afraid of Hobson causing any trouble, as he, too, had been mixed up in some fraudulent transactions in Lane County, McKinley claiming, to his certain knowledge, that Hobson had contracted with a number of people whom he had located on timber claims, agreeing to furnish them the money with which to make proofs, with the understanding that they were to deed the claims over to him as soon as final proofs were made.

As for the other three claims, those taken up under the names of William H. Watkins, Samuel L. Carson and James E. Warwick, and which he had sold to Clyde Lloyd, McKinley contended that I had no reason to complain, as Mrs. Watson had recorded these deeds fully a month before Lloyd had recorded his, and if the latter should discover that he had been bilked and should attempt to kick up a disturbance, he would take occasion to quiet him with the club he had so ingeniously prepared to hold over his head. He assured me further, even in the case of Lloyd, that he had no intention of beating him out of the money, and as soon as he could secure a settlement of the Marion county deal, the amount collected would be repaid him and a reconveyance of these claims would also be secured.

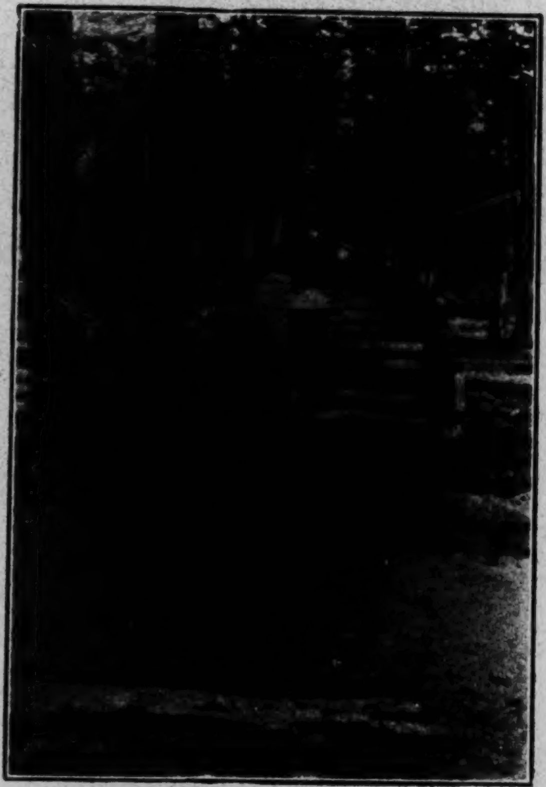
After listening to all McKinley had to say by way of explanation of his actions in the matter of disposing of my lands, I insisted that, insomuch as Mays was the owner of the Simpson claim, I wanted him to make settlement with Hobson forthwith, and to procure a deed from the latter to Mays. McKinley, although hard pressed for money, agreed to do as requested, provided that I would pay Hobson the $575 and charge the amount to his account, as against what might be coming to him in the "11-7" deal, which had not yet been closed up. This I consented to do.

Going to Mays' office, I explained the situation to him, as related by McKinley to me, at the same time advising him of my plan to get the tangle straightened out. I informed him, of course, that there was little danger of

Hobson attempting to do anything for the time being, as McKinley had the drop on him, and as for the matter righting itself eventually, I told Mays that McKinley had several hundred dollars coming to him on the "11-7" deal and that, when it came time for settlement, I would hold out sufficient to square the matter up. In the meantime, I suggested that Mays write Hobson to that effect. I told Mays that I would write Hobson personally, which I did, informing him that I had talked with McKinley with reference to the Simpson claim which he had purchased, and I guaranteed to refund him the amount paid to McKinley as soon as I could arrange some business settlements with the latter.

Shortly afterwards the "11-7" deal was brought to a close, and I held out the $575 from McKinley's share of the profits, and inclosed this amount to Mays in the form of a draft, which was afterwards transmitted to Hobson.

I concluded that this ended the entire proceedings, and that the "24-1" deal was a closed incident, but it developed that, as in the case of the "11-7" deal, the end was yet far distant, as the three claims that were sold by McKinley to Lloyd proved to be the straw that broke the camel's back, it being through their transfer that the Federal authorities first became cognizant of the fact that a fraud had been committed, as future developments will disclose.



Homestead claim in Lakeview land district

A group of "Sour Doughs" of Tonopah and Goldfield ready for business. This represents a typical scene in the Nevada mining camps, and shows how a gang of prospectors prepare to explore the deserts for its hidden treasures. There is neither timber or water of any consequence in the region, and the small "burros" are utilized for carrying kegs of water as well as heavy loads of provisions and other necessary supplies incident to a journey of this kind. The western prospector, or "Sour Dough," as he is known technically in Alaska, is proverbially hopeful of striking it rich, and included among those depicted above are several who have assisted in making mining history in Nevada and elsewhere

Chapter VI

Details of a well-laid plot to raid the public domain in the Deschutes Country, wherein 108 "Dummies" seek to acquire 17,280 acres of fine timber land for speculative purposes—A combination of adverse circumstances operates to Puter's disadvantage, notwithstanding the collossal ideas of "Old Pard" Mays on the subject of evading consequences—A. B. Hammond, a wealthy Pacific Coast lumberman, figures as a bold financier, but is prevented from doing business on account of the general cussedness of inanimate things—Inspector Greene, of the Interior Department, strikes a smoking trail, and a case of mistaken identity leads to an amusing situation.

DURING the Summer of 1902, Township 22 South, Ranges 15 and 16 East, Willamette Meridian, became subject to public entry, the official surveys thereof having been approved about that time. They are situated in the central portion of Oregon, about thirty miles south of Prineville, and twenty miles east of the Deschutes river, in Crook county, and having received information through Henry Meldrum, at that time a United States Deputy Surveyor, who had subdivided the townships, that they were covered with a heavy growth of timber, I lost no time in taking a trip out there, and discovered that there were more than 20,000 acres of vacant Government land covered with valuable yellow pine, lying practically in one body. The best timber extended through the center of the two townships, the eastern portion of range 16 being comparatively barren prairie land, upon which was a dense growth of sagebrush.

"Old Pard" Mays figured out a scheme to get hold of these lands without running much risk of bumping into serious trouble with the Federal authorities. He always impressed me with his wizard-like ways in that respect, and I never failed to consult him whenever I had a hard game on hand. In that regard he reminded me of the quack doctor who always gave his patients medicine to throw them into fits. When asked why he did this, the reply was always given, "because I am 'up' on fits!" Mays may not have possessed any great amount of legal ability, but he was certainly skilled in the art of running close-hauled to the law.

After explaining his plan, Mays assured me that if I followed his prescriptions carefully, that there would be no ill-effects from my shady operations in connection with the lands in question. His plan contemplated a charge of $150 against each entryman as a location fee, taking a mortgage on the claim as security, and any time after final proof had been made, to get some outsider to purchase, subject to the mortgage; but under no circumstances to have anything to do with suggesting a purchaser, or offering to buy the claims myself, and for me to caution the entrymen at the time I filed them on the lands that the only interest I had therein was involved in my location fee; also, that anyone desirous of paying for his claim with his own money, was at liberty to do so, by allowing me my location fee of $150, and that anyone who did not have the money to prove up on, could borrow a sufficient amount from me for that purpose by giving me a mortgage on their holdings for a year or so. I was also to warn them that in the event of my hearing that any of them had offered to sell their claims before proving up, that I would decline to loan them any money.

This scheme looked all right to me, so I agreed to divide the location fees with Mays, he stipulating to advance out of his share whatever money was required in securing the patents. I was to pay him his half, amounting to $75 per claim, as fast as he secured the patents. Any money that I might make as commission on the sale of the lands, he was to have no interest in.

He then gave me a letter of introduction to A. W. Bell, the United States Commissioner at Prineville, the county seat of Crook County, my intention being to have all the filings and final proofs made before that official, the Lakeview Land Office, in which district the desired tracts were situated, being more than 150 miles away. Upon my arrival at Prineville I called upon Commissioner Bell, and in response to my suggestion that he place me in touch with some person who was familiar with the financial status of everybody in the county, he introduced me to a searcher of records named J. L. McCullough, with whom I entered into a contract based on my allowing him $10 each for all the locators he secured for me. It was the understanding that these persons were to file on a timber claim and make final proof thereon, and that all so procured should be free from any judgment or lien, as such an incumbrance would cast a cloud upon any title that might be obtained subsequently.

I likewise had a clear-cut agreement with each locator, whereby I was to charge them $150 as my filing fee, with the understanding that I would find somebody willing to loan $600 on each claim at the time of making final proof, the locators agreeing to execute a mortgage on their claims for that amount as security for the loan. This mortgage was to run one year at 10 per cent interest annually, and it was provided further that my location fee was to be deducted from this loan. As an evidence of good faith on my part, I also agreed to advance the $10 advertising fee on each claim, which was likewise to be refunded at the time final proof was made.

I was particular in impressing McCullough with the idea that under no circumstances whatever were the locators to offer their claims for sale before making final proof, and that neither the person advancing the $600 nor myself had any intention of purchasing the lands after the locators had acquired final title. In general terms, I sought to create the impression that good faith was to be observed all around in the transactions involving the acquisition of title to these lands, a personal inspection thereof by the claimants before filing being one of the conditions precedent to this idea.

After giving these instructions to McCullough, I drove out to the tract of timber, pitched my tent, and awaited developments. He was so well acquainted throughout Crook County that enough locators to file on each vacant quarter desired were soon secured, and within three days he arrived at my camp accompanied by a bunch of forty-five people, which represented only a comparatively small percentage of the total. These I gathered around me close enough for all to hear distinctly what I had to say, and repeated the instructions I had given McCullough, so as to avoid any chance of a hereafter. All present seemed to grasp the situation, and to be well satisfied with the conditions.

All hands were then requested to hitch up their teams and accompany me into the woods for the purpose of making a personal inspection of their prospective claims. This proved very easy of accomplishment, as the land was perfectly level, with no brush, fallen timber or rank undergrowth of any kind to contend with, and besides the whole tract had been surveyed the year previously. The lines were still freshly blazed, and corners set with four witness trees plainly marked, so that the lines were readily traceable.

The concourse of vehicles resembled a Sunday turnout in Golden Gate Park, San Francisco, only of course the equipages were not quite so swell. Some had light buckboards, others good-appearing buggies, while express wagons and heavy farm traps of all sorts were in evidence, making an imposing spectacle as we sauntered leisurely through the beautiful timber, with its picturesque surroundings.

The soil, which was of a pumice stone formation, with a solid foundation, and covered with a heavy growth of wild grass about four inches high, was very prolific. The timber embraced one of the finest bodies of yellow pine anywhere, the trees being very uniform in size, averaging about three feet in diameter, and running from 50 to 75 feet to the first limb, indicating the quantity of clear

Character of Yellow Pine Timber in Tp. 20 S., R. 15 and 16 E., Crook County, Oregon sought to be acquired by fraudulent process lumber each tree would produce. All appeared perfectly sound, and I do not believe there was a windfall on the entire tract. It was certainly a sight that appealed as much to the sentiments as to the commercial side of the situation.

I experienced no difficulty whatsoever in making the locations. Arriving at the section corners, I would arrange four persons so that each could see the particular quarter section intended for him, at the same time giving each locator a slip of paper upon which was written the description of his proposed claim. Leaving them there, with directions to circle around over a space of about half a mile in order to be able to testify that they had been on each legal subdivision, as required by law, and could therefore be in a position to act as witnesses for each other when the final proof was made, I would proceed to another section, and so on, until the whole tract was thus taken. As fast as one group of locators had finished their inspection, they would take the back track, pursuant to my directions, and appear before United States Commissioner Bell at Prineville for the purpose of attesting their timber entries. In this manner the entire tract of 108 quarter sections was covered inside of a week after we left Prineville.

On my return I encountered several wagonloads of locators en route to my camp, intent on getting a claim, but they met with disappointment, as everything was gone. The 108 people whom I filed on these lands were all from Crook county, mostly residents of Prineville. Some of the families included from two to fifteen members, all eager to get hold of a tract of timber land.

Upon my return to Prineville I went to Commissioner Bell's office and was informed that he had recorded 108 filings, so I thereupon made arrangements to advertise the final proofs. The law requires that these notices shall be printed nine successive weeks in a newspaper nearest the land. The Deschutes Echo filling the bill in that respect, I requested the Commissioner to have the final proof notices sent to Editor Palmer, of that paper, and also paid him $1,080 with which to meet the necessary advertising charges.

The history of the establishment of the paper in question is both unique and interesting, as showing the mushroom growth of things in this Western country. Taking advantage of the requirements of the General Land Office that timber notices must be published in a newspaper nearest the land affected, Editor Palmer secured a second-hand printing outfit and established himself at Bend, Ore., in the very heart of the forest. His plant consisted of an antiquated Washington hand-press that had seen better days, and a few dilapidated fonts of type, besides the other paraphernalia incident to a cheap outfit of this sort. I doubt whether the whole plant cost him more than $50.

Felling a yellow pine tree, he leveled off the stump, and after spiking his press to this improvised foundation, was ready for business, and proceeded to grind out timber land notices at $10 apiece. The journalistic venture was a success from the start, the $1,080 that I paid him being a mere bagatelle in comparison to the aggregate earnings of the sheet. Within six weeks from the date of the first issue, to my certain knowledge the paper printed no less than 1,500 land notices, and nobody but a wooden nutmeg Connecticut Yankee would ever have devised such a money-making scheme.

The timber land business was booming in the Deschutes country around Bend, and now they have a city there of several thousand inhabitants. Following the march of progress, the Echo moved from its primeval quarters into more sumptuous surroundings, and soon had a splendid establishment of its own, being considered one of the leading newspapers of central Oregon, but I understand that it has since suspended publication.

People came rushing into the Bend country by scores in search of timber claims. From 100 to 150 came on one train quite frequently. Some of them hailed from Minnesota, some from Wisconsin or Michigan, while the Dakotas and other Middle Western states were well represented in the new immigration. They would get off at Biggs Station and take the Columbia Southern Railway to Shaniko, a distance of 80 miles, thence by stage or private conveyance to Prineville, 80 miles further on, and from there to the Bend, an additional 30 miles. Every vehicle or animal procurable was consequently pressed into service to supply the abnormal demands, and the hotels in Prineville and Shaniko were overflowing with guests. All summer long, in fact, the dusty roads between Shaniko and the Bend were lined with travelers, and it was soon evident that a large proportion of them were under contract to convey whatever timber rights they might acquire to syndicates of Eastern lumbermen. All their expenses had been borne by the various combinations of this character, and as several syndicates were in the field simultaneously seeking to secure control of these lands, the rivalry between them became so intense at times that timber claimants, or "dummies," as they were more popularly known, commanded a premium, and the rush continued without interruption far into the winter.

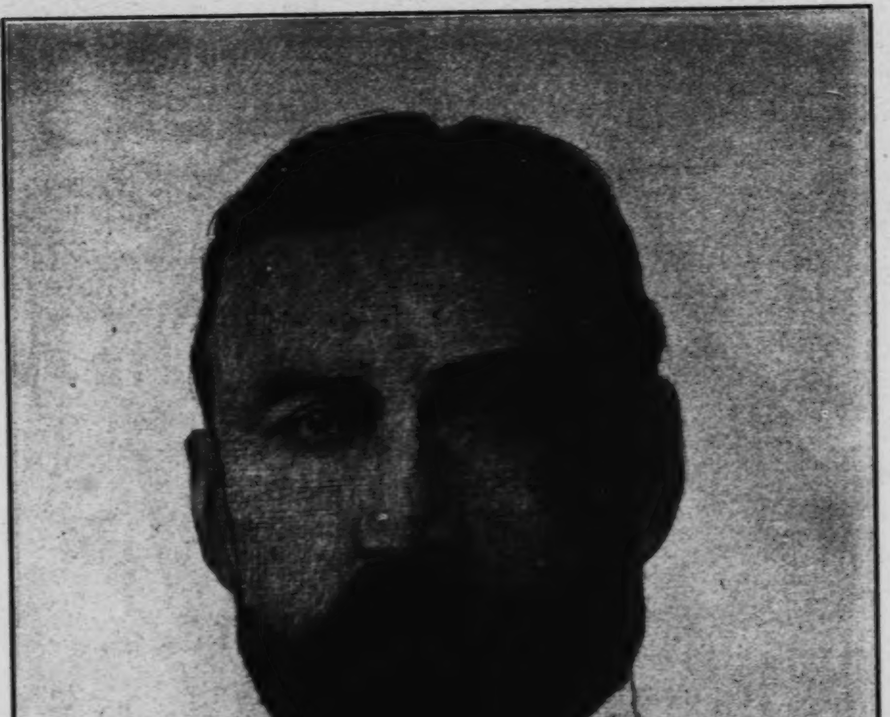
After making arrangements with the Deschutees Echo relative to advertising the notices of final proof, on the 108 entries, I took a trip East for the avowed purpose of securing financial backing in the matter of paying for the lands. I consulted several lumbermen on the subject, and finally closed a deal with William H. Bradley, a multi-millionaire lumberman of Tomahawk, Wisconsin, whereby I guaranteed to procure deeds in his favor to the entire tract embraced in the 108 claims within one year after final proof was made. In return he agreed to advance $600 a claim in order to enable the entryman to prove up, and to take a year-mortgage on the land as security. It was provided also that the entire body of timber should average at least 10,000 feet per acre of merchantable lumber, and that Bradley should have the privilege of sending his own cruiser into the woods to make the estimates. In addition, if the land was found satisfactory, he was to allow me a bonus of $6 per acre, payable upon presentation of deeds after final proof.

Although I had never intimated to the locators in any way, shape or manner that it was my ultimate purpose to purchase these lands after they had been proved up on, yet I intended doing so all along, as I was well aware that on account of their financial condition my $600 equity in each claim would make me master of the situation, and that by advancing them from $200 to $300 additional, they would only be too glad to execute a deed in favor of whomsoever I might designate. By pursuing this course we not only expected to secure absolute title to the land, but also evade any possibility of Governmental prosecution on conspiracy charges.

After closing the deal with Bradley, he sent out Ben Sweet, of the Log & Lumber Company, of Milwaukee, Wis., for the purpose of making an estimate of the timber on the tract, and it was while Mr. Sweet and myself were on this trip that I had the pleasure of first becoming acquainted with Colonel Alfred R. Greene, Special Inspector of the Department of the Interior, who figured afterward, more or less, in the prosecution of the cases against myself and associates in the famous township "11-7" transaction.

One morning while Sweet was out in the woods cruising the timber, I concluded to take my rifle and endeavor to kill an antelope, of which there were an abundance in those days. As I was wandering along the road I came across a man and his driver eating their luncheons at the edge of the timber I had located. It required no second glance to convince me that I was face to face with the distinguished Government agent, because a few days previously my friend Fred A. Kribs had told me in Portland to be on the lookout for him, as he was out here investigating alleged fraudulent timber entries. Kribs had described Greene so accurately that I felt right away as if we were old acquaintances, although he did not appear to recognize me.

"When you come across a tall, gaunt individual, with billygoat whiskers," Kribs had said in describing Colonel Greene to me, "with iron-gray hair and a castor oil smile, who looks like a cross between a Kentucky colonel and a wandering minstrel, just clear the track and hold on to something, because you



A. B. Hammond, the Wealthy Pacific Coast lumberman who was nearly involved in the land frauds are standing in the awful presence of Colonel A. R. Greene, the renowned Government sleuth." They were bound for Silver Lake, and after my salutation we engaged in general conversation.

"Did you see any stray sheep as you came along the road?" I inquired, assuming the aspect of a typical "Rube."

"No," answered Colonel Greene, majestically, "and besides I am not seeking to corral that kind of animals. It is two-legged beasts of prey of the land-grabbing variety that I am after, sir, and if you know of any bell-wethers of that class around here, just trot them out, because they are my game."

At this he swelled up with as much importance as a bullfrog, until I almost thought there would have to be an explosion in order to relieve the pompous congestion. I realized at once that he mistook me for a sheepherder, and proceeded to encourage him in the belief. He proved to be a voluble conversationalist, and in almost less time than it takes to describe it here, Colonel Greene had imparted the whole secret of his mission, laying particular stress upon the fact that immense frauds were being committed against the Government by numerous large irrigation companies in the Deschutes region, and wound up his tirade against everything land-grabical by asking me point blank if I knew a person by the name of S. A. D. Puter.

"Puter—Puter—" I repeated, quizzically, "Appears to me that name sounds familiar. Who does he herd sheep for?"

"Herd sheep be d——d!" fairly snorted the Colonel. "He herds 'dummies' up here in the woods, and shears these forests of their pristine grandeur. Why, sir," he continued, growing radiant in expression under the inspiration of his eloquence, "a pine tree out here alone isn't any safer in that man's hands than a virtuous maiden in the harem of a Sultan!"

Pointing in the direction of the timber, Colonel Greene added: "That man Puter has located over 100 people out there under the timber and stone act, charging them $150 each as a location fee. I am satisfied it is a part of the game for him to get hold of the titles for some company, but thus far he has eluded every effort of mine to ferret out his scheme. At Prineville I interviewed a lot of people whom he located on these lands, but he has pulled the wool over all their eyes, making them believe that they are taking up land for their own use and benefit, as the law prescribes, although charging them this location fee of $150, besides agreeing to loan them $600 to pay for their land."

Whatever his other failings, I saw that Colonel Greene had the dope on me all right, so, after getting all the information I could from him on the subject, I took my departure, and circled around back to camp. Sweet finished his estimates a few days later, his computations indicating that the tract would average over 12,000 feet of clear lumber to the acre, so all I had to do was to abide the period of final proof.

Subsequent events, however, proved how uncertain the common affairs of life are. Just before the time for making final proof on the 108 entries had expired, Mr. Bradley died suddenly, leaving me up in the air so far as a financial backer was concerned, and as I did not have sufficient time in which to secure someone else to take his place along those lines, my only course was to have the entrymen readvertise their claims, involving considerable extra expense. However, I succeeded in compromising with the Deschutes Echo on the costs to the extent of securing an agreement that the paper would republish the notices at half price, so I personally assumed the additional expense of $540, and the entrymen were satisfied to let matters stand upon that basis.

After completing these arrangements, I once more proceeded Eastward in search of a new financial backer, and found him in the person of N. H. Withee, a retired capitalist of La Crosse, Wis., and already the owner of about 30,000 acres of fine timber land in Lane county, Oregon. He organized a company of local lumbermen, all of whom were willing to go in with me under similar conditions existing between Mr. Bradley and myself.

Colonel A. R. Greene, Ex-Special Inspector, Interior Department who lifted the lid from the Oregon land frauds

Upon my return Mr. Withee accompanied me to Oregon for the purpose of making a personal inspection of my offerings, and it was on this occasion that I received an instructive object lesson concerning certain features of the timber business. While we were cruising the timber, he noticed some white moss hanging from the limbs of many of the trees, and declared that it was an indication of dry rot. Procuring an ax, we proceeded to investigate, and wherever we cut into a tree of this character we found it badly decayed on the inside, rendering it commercially valueless. Although there was but a small percentage of the timber in this condition, it was sufficient in Mr. Withee's eyes to cause him to reject the whole body, so I was obliged to seek for another "angel."

He appeared in the person of A. B. Hammond, a wealthy lumber dealer and railroad operator of San Francisco, who owns vast tracts of timber lands in Clatsop, Tillamook, Linn and Lane counties, Oregon, besides a controlling interest in the Astoria & Columbia River Railroad, and the O. P. R. R., running from Yaquina Bay via Albany to Detroit, Oregon. He also has immense redwood timber holdings in Humboldt county, California, in addition to logging railways and sawmills too numerous to mention. In short, Mr. Hammond is considered one of the heaviest individual timber land operators on the Pacific Coast.

After discussing the situation with him in all its details, he agreed to go in with me on the deal and advance the money for making final proof on my 108 entries, and take a mortgage on the claims, providing, however, that I would agree to give him one-half the location fee of $150, and guarantee a perfect title to the land at a price not to exceed $6 per acre. We entered into an agreement to that effect, and Mr. Hammond sent Peter S. Brumby, his chief cruiser, with me, for the purpose of making a preliminary examination of the tract in order to see how the timber compared with Ben Sweet's estimates. Brumby reported favorably, and it began to look as if the hoodoo had vanished.

I thereupon called upon F. P. Mays and informed him of the changed conditions, and how the time was so short in which to operate that I was compelled to give up one-half the location fee to Mr. Hammond as an inducement for him to go into the deal. In view of the situation, Mays consented to make a new agreement with me upon the basis of accepting $25 per claim for getting the patents, this amount to be paid Senator Mitchell for his services.

In conformity with my arrangement with Mr. Hammond, Wm. G. Gosslin, his private secretary, caused to be printed two special sets of blank mortgages. The first was for the entrymen to execute in favor of A. B. Hammond for $450, the amount he was to advance in making final proof and payment, and was to run one year at the rate of ten per cent. interest per annum. The second mortgage called for $160 in favor of S. A. D. Puter, and covered the location fee of $150 and $10 for advertising the notices of final proof. As a matter of fact, there was a covert purpose behind all these red tape proceedings. It was obvious that the more densely we surrounded the various transactions with cloaks of this character, the deeper would be the impression of legitimacy, not only with the entrymen, but the Government itself was likely to be thrown off its guard in the face of such evidence of compliance with legal requirements.

Hammond's manager, Geo. B. McLeod, and myself then proceeded to Prineville, he bringing the blank mortgages, together with the money necessary for making the final payment. Upon his inquiry as to what arrangements I had made in reference to securing Mr. Hammond in his one-half interest in the $150 location fees, I informed McLeod that I was willing to leave that feature of it to himself, to fix up in any manner he deemed advisable. I also told him about my arrangement to allow Mays $25 each, to be paid Senator Mitchell for expediting the patents to the different claims, and to this McLeod objected, declaring that Hammond would not stand one-half of the amount when United States Senator Charles W. Fulton was getting patents through on other lands belonging to

Hammond for a great deal less money, $10 each being his regular price, and where there were so many to be handled, as in this instance, he thought a joblot rate could be secured from Fulton. Upon this showing I acquiesced in the arrangement to have Senator Fulton attend to all future business of this nature, and whatever his charges might be, that I would gladly stand my share.

At this stage of the proceedings the entrymen refused to sign the two mortgages, and I was up against it once more. They based their objections upon the allegation that I had departed from my original agreement with them, and also because there were rumors that the Government intended to attack all the entries. In the event this proved to be case, they insisted that I enter into another agreement with them to defray all their expenses to the Lakeview land office, and to bear whatever costs were incurred by the proceedings.

This I declined to do, stating that I did not believe there would be any trouble, but that if there should be, that I would help out all I could, even to the extent of engaging an attorney to represent them at any hearing before the local land office. They also refused to sign an order requesting the Register and Receiver of the Lakeview land office to return the purchase price of $400 to the Bank of Prineville, subject to Mr. McLeod's order. The law requires that the public lands shall be paid for personally by the entrymen, and our intention was to have the Bank of Prineville issue drafts in the name of each locator for $400 at the time of making final proof, as the United States Commissioners are supposed to send the cash payments to the land office at the same time the final proof papers are transmitted. In case of the rejection of any of the entries, the money and title papers would be returned to the Commissioner, who was expected to turn the drafts over to the entrymen, as it was for the purpose of protecting Mr. Hammond that the idea was adopted of having the locators sign an order on the Commissioner for the full amount of their payments in favor of Mr. McLeod, as Hammond's representative.

The obstinacy of the entrymen had the effect of causing McLeod to abandon the idea of further efforts in the direction of acquiring title under the timber and stone act, and he suggested that we return to Portland forthwith and purchase forest reserve scrip with which to select the lands under the act of June 4, 1897. It was also apparent to McLeod that the entrymen, actuated by the belief that I was already out to the extent of about $2,000, were attempting to hold me up in the belief that I would accede to their demands rather than sacrifice that amount. I concurred with McLeod, both as to his deductions and remedy, and as only ten days remained in which to make payment and complete the final proofs before the lands would revert back to the Government and again become subject to entry, we proceeded to Portland with as little delay as possible.

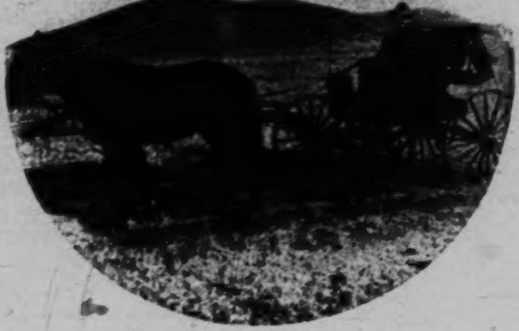
About 20,000 acres of scrip were required to cover the selections embraced in the 108 entries alluded to, and we found that it was a most difficult matter to secure such a large quantity, as nearly all holders wanted the scrip for their personal uses. McLeod having failed to make good in this connection, and as there was no time to lose, I proceeded to seek another customer. I soon found him in the person of William R. Thorson, of the Manestee Lumber Company, of Manestee, Mich., who was at that time stopping at the Hotel Portland. He had 100,000 acres of available forest reserve scrip, and it required little effort on my part to convince him as to the feasibility of the scheme of securing the lands. He agreed to scrip the entire tract and pay me 50 cents an acre for all the lands that would estimate 10,000 feet of merchantable lumber per acre.

In conformity with this view of the situation, Mr. Thorson's attorney and myself started post haste for the Lakeview land office, via California and Reno, Nev., that being the most expeditious route on account of a lack of railway facilities in other directions. We were not a moment too soon, either, for within two days after we had filed our scrip on the land, 60 applications under the timber and stone act were received at the land office in one bunch from Prineville, and they all had to be returned, as we had corralled everything in sight. As soon as I got back to Portland, Mr. Thorson paid me my commission of 50 cents an acre on the 20,000 acres, and later the lands were patented to the Manestee Lumber Co.

It all goes to show that Uncle Sam was a big loser by the operation, as under the timber and stone act the Government would have received $2.50 an acre for the land, or practically $50,000, while under the act of June 4, 1897, it got nothing except an equivalent area in the San Francisco Mountain Forest Reserve, of slight intrinsic value.

Had the original plan terminated in success, my profits on this one deal would have probably exceeded $25,000. Mays also would have come in for a goodly share of the proceeds by reason of his services in expediting the patents, as it will be remembered he was to receive one-half the $150 location fee, or a total of $8,100 for the 108 claims. No doubt he would have retained the lion's share of this amount, as that was second nature with him, although he doubtless would have been obliged to let go of some of it as a lubricant for the machinery at Washington for grinding out the land patents.

Although I netted about $7,500 by the transaction, I stood to lose at least $2,000 on account of the death of Mr. Bradley, my first financial backer. Had I not met with so much bad fortune, there is hardly any doubt that Mays' scheme, as originally planned, would have been carried out to the letter, and title to the entire tract, under the Timber and Stone act, would have been procured, and, so far as the Government was concerned, it would have been an utter impossibility to have secured convictions for conspiracy or any other criminal charge. My object in mentioning this is merely to show what an easy matter it would have been to defraud the Government out of this tract of timber, and at the same time avoid any possible chance of prosecution, either against those who made the filings, the purchasers of the lands from the original entrymen, or myself.



Special agent making a field investigation

Chapter VII

Petty controversies between McKinley and young Lloyd over money matters furnishes the basis for the first land fraud indictments in Oregon—Colonel Greene has his suspicions aroused by reason of the "24-1" transaction, and lifts the lid from the ugly mess—Incidentally, Special Agent Linnen, of the General Land Office, distinguishes himself in the terpsichorean art while in search of evidence against the conspirators—Francis J. Heney, Special Assistant to the United States Attorney-General, makes his initial appearance at the land fraud trials, and his presence causes a general scurrying to shelter by the two female defendants, as well as considerable anxiety on the part of F. P. Mays.

IT WILL be remembered that in a former chapter reference was made to a certain transaction between George Lloyd, through his son, Clyde D. Lloyd, and Horace G. McKinley, over which a dispute arose, and it might be stated here that this controversy was the basis of all subsequent indictments, together with the trials incident thereto.

Clyde D. Lloyd, after employing persuasive measures with McKinley for fully a year, to the end that the $1,500 he had paid Horace for the three fraudulent claims in Township 24 South Range 1 East, should be returned to him, finally became impatient and proceeded to press McKinley for the money. Thereupon the latter deposited the amount in a bank at Eugene in escrow, and immediately informed Lloyd of the fact, stating that it would be turned over to him upon receipt of a contract exhibiting McKinley's interest in what is commonly known as Puter's Marion county tract.

About this time McKinley learned that Lloyd contemplated disposing of these lands without consulting him, notwithstanding the fact that according to the original agreement they were to participate share and share alike in the profits. This agreement, it will be understood, was of a verbal character, and as McKinley had no writing whereby he might be able to establish his interests, and it appearing to him that further delay could only result in jeopardizing matters still further, he brought suit against Lloyd for an amount sufficient to cover his share of the expected profits. Judge Thomas O'Day, of Portland, appeared for McKinley in this case, as he did also throughout the entire land fraud trials that followed.

When Clyde Lloyd ascertained that an action had been commenced against him, he called upon me for advice, and my recommendation was that he consult with McKinley at once and compromise the case, having in mind that if the litigation was pressed it might lead to exposure of the fraudulent transactions concerning the manner in which public lands were being acquired, and prove disastrous to all involved. However, Lloyd was obstinate and declined to entertain the proposition of compromise, insisting upon employing counsel. Thinking to protect myself, and knowing that F. Pierce Mays was an interested party as well as my attorney, I lost no time in advising Lloyd to call upon him. Later I was pleased to learn that the bait had been properly swallowed.

Shortly afterward George Lloyd appeared upon the scene, and after a conference with his son, he, too, called upon me for advice. Following previous lines, I counseled a compromise as the best solution of the problem, but being in the dark relative to the unenviable position his son was in, by reason of having taken the acknowledgment, as a notary public, of Robert Simpson, a fictitious person, Lloyd senior refused to accede to my suggestions, stating that McKinley had deliberately transferred three fraudulent claims to his son, obtaining $1,500 thereon, and that, from all appearances, McKinley was holding this over his son as a lash to force him to sign the contract.

Observing that Lloyd, senior, was determined to proceed in the matter I once more resorted to my favorite tactics of sending him to Mays. The interview between them did not prove as satisfactory as I had anticipated, however, it appearing to Lloyd senior that the attorney was too "busy" to look after his interests, as he kept putting him off from time to time, and evidently dodging the issue. The action of Mays in the premises was thoroughly understood by me, it being the policy to postpone matters long enough to give Mays an opportunity to "pour oil on the troubled waters."

Dissatisfaction with Mays' tactics impelled George Lloyd to visit Eugene, Oregon, where he called upon Miss Marie L. Ware, the United States Commissioner before whom the final proofs were made upon the six fraudulent claims. Not being able to gain any satisfactory information from her, Mr. Lloyd proceeded to the Roseburg Land Office, where he met Col. A. R. Greene, at that time Special Inspector, Department of the Interior, but since transferred to the superintendency of an Indian Reservation in Oklahoma. Lloyd made Colonel Greene his "Father Confessor" in the matter of the alleged frauds, and acting upon this information, the Special Inspector hastened to Eugene, where he indulged in a heart-to-heart talk with Marie Ware upon the subject.

In all probability he gained enough information from her to warrant the opinion that all was not exactly as it should be, as he immediately detailed Special Agent E. P. Linnen, of the Roseburg Land Office, to make further investigation. The Special Agent obeyed instructions by repairing to Eugene and calling upon Miss Ware, from whom he received such oral admissions that he felt justified in having her incorporate them in an affidavit.

On the day following the arrival of Linnen, the keeper of one of the local bawdy houses called at the United States Commissioner's office and informed Miss Ware that on the preceding evening a gentleman who had passed the night in her resort had become greatly intoxicated, and had frequently dropped a bundle of papers on the floor of her establishment while "tripping the light fantastic" with some of the inmates.

"Upon discovering the nature of the papers," continued the woman, "I concluded to bring them to you, as I noticed your signature upon them, and thought perhaps they might have been stolen from your office."

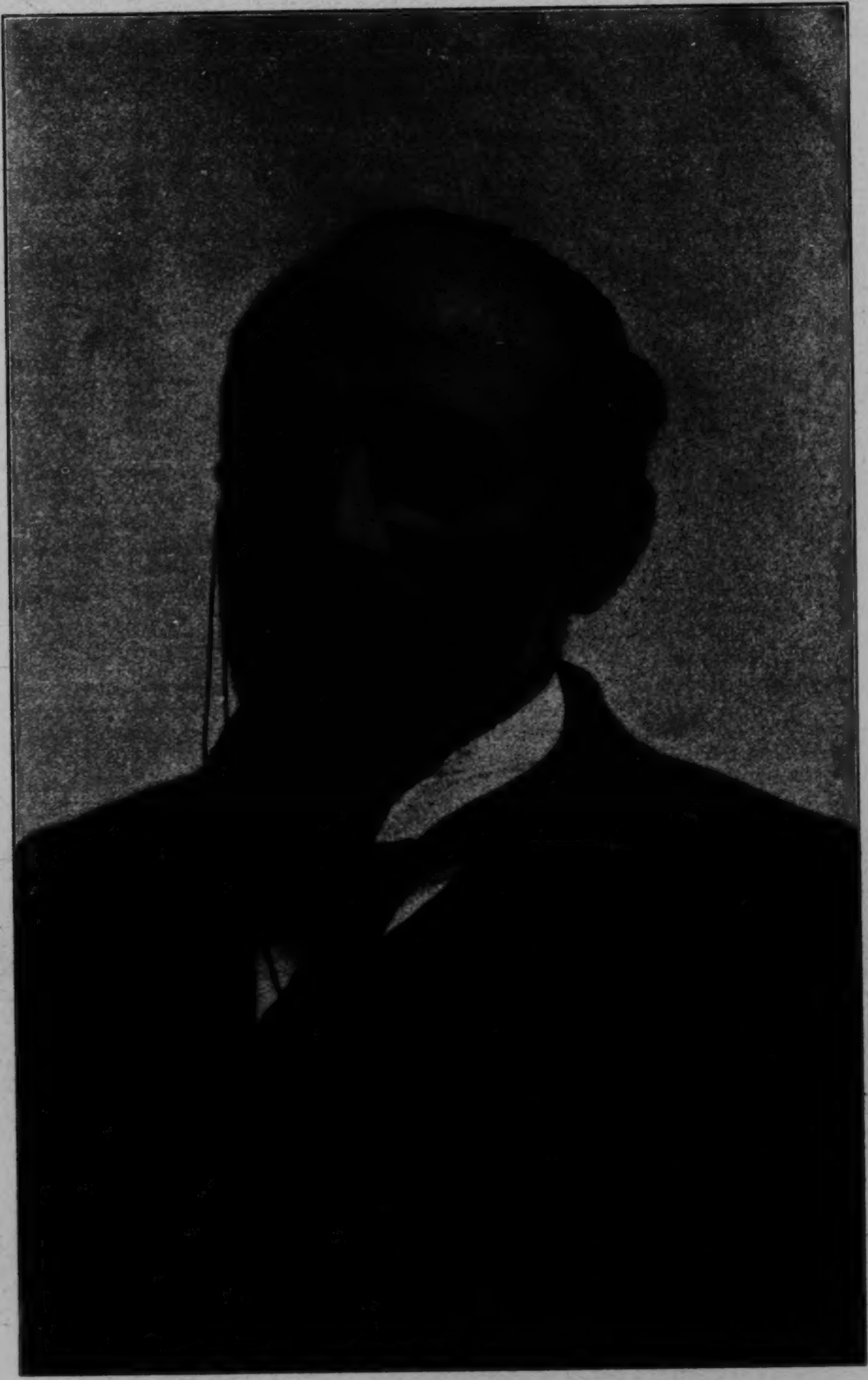
Miss Ware gave assurance that the documents had not been stolen, but properly belonged to the individual who had lost them, and she requested her informant to tell the gentleman, the next time he called, that the papers were in her possession, and that he could have them upon application at her office.

Upon recovering from the effects of his debauch, Linnen again called upon Miss Ware and asked for the restoration of the documents, stating that he had mislaid them, and had learned that they had been returned to her custody. This request was readily complied with.

The Special Agent then reported his findings to Inspector Greene, who in turn submitted them to John H. Hall, at that time United States Attorney for Oregon, who presented the whole matter in detail to the consideration of United States District Judge Charles B. Bellinger (now deceased.)

After an examination of the affidavits in question, and in view of the situation as presented to him, Judge Bellinger summoned Miss Ware to Portland. As a result of the conference between the two, it was decided that she should be removed from office.

McKinley and I were in Chicago during this period, and upon receiving telegraphic advices from Miss Ware that trouble was brewing, we lost no time in returning to Portland, where I immediately held an interview with F. Pierce Mays concerning the conditions. Mays appeared very much perturbed over the



The late Charles B. Bellinger, United States District Judge for Oregon who presided at the 11-7 trial situation, and suggested that I advise Marie Ware to resign her office forthwith, explaining that any effort upon her part to attempt to hold her position in the face of all the charges that had been preferred against her, would only have a tendency to make matters worse, and that in any event her dismissal was inevitable.

I pleaded with Mays that something might be done to ameliorate conditions, but he was inexorable, insisting that he was on the "inside," and that he had been advised by his brother, Edwin P. Mays, who was then United States Attorney Hall's assistant, that Judge Bellinger's mind had been fully made up, and that, if we had any hope of saving ourselves, we must, of necessity, sacrifice Miss Ware, and if the worse came to the worse, get her out of the country altogether.

Shortly after this interview occurred, Mays informed me that he had conversed with his brother further upon the subject, and had been apprised that Hall was about to subpoena Miss Ware to appear before the Federal Grand Jury, then in session, urging that Miss Ware be smuggled away with as quick dispatch as possible.

Acting upon this suggestion, and being well aware that F. Pierce Mays had a strong "pull" in the United States Attorney's office, not only through his brother, but with Hall, himself, and that on account of his complicity with me in land fraud matters—as well as with others—he was being governed by personal considerations mutually beneficial, I proceeded to carry out his ideas without delay. In answer to my telephonic request, Miss Ware came to Portland on the morning after the conference between Mays and myself took place, prepared to leave the city until after the adjournment of the Grand Jury.

She was met at the East Side depot by Horace G. McKinley and myself, and spirited to the residence of Alice White, 175 Ford Street, Portland, where she remained in seclusion for several days. Upon completion of arrangements for their departure, Miss Ware and Alice White were given railway transportation and funds sufficient to cover their expenses, and sent to Vancouver, B. C., beyond the jurisdiction of Uncle Sam.

Not long afterward we received a letter from Miss Ware, complaining of homesickness, and requesting that she might return to Portland and go to California. We agreed to this, and within a few days both Miss Ware and Miss White were en route to Los Angeles, California. Upon their arrival they went to the Hotel Van Nuys, one of the swell establishments of the southern metropolis, where they remained about a week, when Miss Ware learned that an information had been filed against herself and Horace G. McKinley, upon charges of conspiracy to defraud the Government of its public lands.

Acting upon my advice, she notified Judge Bellinger by wire of a willingness to return to Portland immediately, and soon after her arrival, both herself and McKinley appeared in Court, and through their attorneys, Judge Thomas O'Day and F. Pierce Mays, demanded an immediate examination. This was accorded them, the proceedings taking place before United States Commissioner J. A. Sladen. Clyde D. Lloyd, Special Inspector A. R. Greene, and R. W. Veach testified as witnesses upon behalf of the Government, and the examination resulted in both defendants being held to appear before the United States Grand Jury, bail in each case being fixed at $2000, which was given.

Three or four months later—in October, 1903—I was in Portland, and called upon F. Pierce Mays at his office. My purpose in coming to Portland at that time was to consult with him relative to the advisability of his making suitable arrangements to quash any possible indictments against myself. After reviewing the situation, Mays informed me that sufficient evidence had been produced at the preliminary examination of Marie Ware and Horace G. McKinley to warrant the Grand Jury in finding indictments against them, and furthermore that he had since learned that United States Attorney Hall had secured enough additional evidence to justify the indictment of Mrs. Emma L. Watson and myself, and that it was the intention to do so.

After parleying with Mays for several hours in an effort to convince him that I would not stand to be indicted, and that the proceedings must be stopped, he assured me that I was taking the wrong course; that the best way would be to court such a proceeding, explaining, as he did, that it was bound to come sooner or later, and that, because of his influence with Mr. Hall, matters would terminate to my entire satisfaction at the proper time.

Mays argued that Hall's term of office had already expired, and that someone else might be appointed as his successor at any moment, and if, perchance, the new incumbent should develop into a political or professional enemy, the status of affairs might assume a very serious aspect. On the other hand, if indictments were brought against myself and colleagues at this time, while District Attorney Hall was yet in office, it was reasonable to believe that the latter would be retained by the Government to prosecute the suits, and with Hall in office, Mays could have the cases postponed from term to term and eventually wear the Government out, or arrange to have them dismissed altogether.

While admitting the force of Mr. Mays' argument, as well as his ability to influence the actions of United States Attorney Hall, at the same time I could not bring myself to view the situation in the same light as he did, nor could I acquiesce in his method of procedure as applicable to my case. However, I explained to him that it would be necessary for me to go on to Chicago, where I contemplated closing a big land deal, and requested, before leaving Portland about three weeks later, that he keep me posted regarding any action that might be taken by Hall during my absence.

I had been in Chicago but a short time when I received word from Mays to the effect that indictments had been found against Mrs. Emma L. Watson, Miss Marie L. Ware, Dan W. Tarpley, Horace G. McKinley and myself, and advising that I return to Portland forthwith, as my failure to do so would result in the dispatch of a United States deputy marshal after me. Upon receipt of this intelligence, I wrote Mays, urging him to see Hall with a view of arranging for me to remain East a few weeks longer, at the same time explaining that I expected to consummate a deal of considerable importance, and must have additional time in which to adjust its details.

Mays as a reply notified me that he had talked with Hall about my case, and that everything had been "fixed," but suggested that, in order to show my good faith, and to square Hall, it would be well for me to wire the United States Attorney's office at Portland, and outline my position to him. This I did, and subsequent events indicated that Mays had not misled me relative to Hall being "fixed," and that my attorney knew what he was talking about. Immediately after closing my deal I returned to Portland, and in the meanwhile I was not molested.

Upon arrival in Portland, I called to see Mays, and was informed that I had been indicted in the Tp 24 S., R. 1 E. case, and that I had no cause to worry, as everything would come out all right. I then made a visit to Hall's office, and, acting under the advice of Mays, treated the incident in the nature of a friendly call, and was received accordingly by the Government prosecutor. Nothing was said about giving bonds by Hall, and I did not deem it expedient to broach the subject myself. Before leaving Portland a few weeks later, however, I again called upon Hall, and furnished bail for my appearance when wanted in the sum of $4000.

It might be stated here that Marie L. Ware, Dan W. Tarpley and Horace G. McKinley had already given security before my arrival from Chicago, and that with the exception of Mrs. Emma L. Watson, I was the only one delinquent in that respect.

Just before leaving for California, I called upon Mays again and inquired if it would be advisable to have Mrs. Watson appear and furnish the required bonds, to which he replied that if it were possible, it would be better to keep her under cover, for the time being, at least.

In his capacity as my attorney, Mays filed a demurrer to the indictment, and a hearing thereon was held during the first week in November, 1903. The demurrer was overruled by Judge Bellinger, who set the case for trial December 14 of that year.

About this time Mays informed me that he had learned Hall was to have an assistant in the person of Francis J. Heney, of San Francisco, who had been appointed special prosecutor by the Government. Mays asked me if I knew Heney, and upon my replying in the negative, he suggested that it might be well for me to look up his record when I returned to San Francisco, and secure all possible information concerning his standing and ability from a legal point of view.

The question of Mrs. Watson's whereabouts also seemed to perplex Mr. Mays considerably, and he asked if I knew where she was. I told him she was at her home in San Francisco, and that I would probably see her within a few days. Mays thereupon suggested that I adopt some means of getting her out of the country, as she was the main spoke in the Government's case, being the one to whom the six fictitious claims had been deeded by the supposed original entrymen. Mays contended that if Mrs. Watson was kept under cover, it would be an impossibility for the Government to establish any case against the defendants.

As the time of trial was drawing near, I asked Mays if he could have the cases postponed, as it was very probable the secret service agents of the Government were on the trail of Mrs. Watson, and might, at that very moment, have her under surveillance in San Francisco, rendering it next to an impossibility for me to confer with her without detection, and also making it difficult for me to get her out of the city. Mays agreed with me that additional time would be necessary to accomplish the desired end, and promised to see United States Attorney Hall and arrange with him for a continuance of the trials.

Coal lands of Wyoming, grabbed under the timber law

Chapter VIII

Wherein Mrs. Emma L. Watson is spirited away under the advice of Attorney F. P. Mays, and an interesting account is given of the frantic efforts made by the Government to discover her hiding-place—Sleuth Gallagher shows up to good advantage in the start, but is finally obliged to Let 'er Go—Puter relates the ingenious methods resorted to by himself and McKinley in throwing the secret service man off the scent, and altogether, enough queer mix-ups occur to make the affair a "Comedy of Errors."

BEING satisfied that Mays would attend to the postponement of our trials, I left Portland immediately for San Francisco, where I called upon Mrs. Watson, and without entering into details, endeavored to obtain her consent to leave the city at once, and to remain under cover until such time as I might advise that everything was all right. She, however, declined to be made a catspaw by any such process, contending that she had done nothing wrong, and that the Government had no grounds upon which to base its indictment against her.

Up to this time Mrs. Watson had no knowledge whatever of the fraudulent character of the six claims in 24-1 which had come into her possession, and, believing, as she did, that her title was clear and the transaction perfectly legitimate, she could not understand why an indictment should have been returned against her. Under the circumstances, I was forced to explain the whole matter to her; how the six supposed original entrymen were purely fictitious persons, and that, as the different tracts had been acquired through fraud, it only remained for the Government to produce evidence to that effect in order to secure convictions. I reminded her of our former conversation relative to Mays and myself having entered into an agreement whereby we were to share equally in the profits of the six claims; how I was to put up the money necessary in getting deeds, amounting to $150 per claim, or a total of $900 for the six, Mays agreeing to meet the expenses incident to pulling out the patents, after which we were to have a final settlement. I also reminded Mrs. Watson of my proposition to her—that she advance the sum of $150 per claim, or $900 altogether, explaining to her that my finances would not justify further expenditure, and I did not wish to borrow the money, which proposition she had accepted upon condition that all six claims should be deeded to her until such time as Mays and myself saw fit to dispose of them, when she was to receive a one-fourth interest in the net profits.

"Now," said I, "you accepted those six deeds from me and paid over the money in the firm belief that everything was straight and regular, and in so doing assented to a proposition that had been arranged between Mays and myself, and which we had planned for you to accept as a measure of protection to us both. With your assistance, the Government would have a clear case against us, but without being able to use you as a witness, I am advised by Mays that the Government will have no case."

I explained further to Mrs. Watson that in the event of our being convicted, we would lose the money already invested, as the claims would be forfeited and title thereto revert back to the Government.

She upbraided me in severe terms for the duplicity I had practiced, and demanded to know by what authority I had invested her money in such a reckless fashion, and why I had imposed upon her confidence.

"The very thought of losing my money is bad enough," said she, "and now to ask me to leave the country for the sole purpose of protecting your attorney and yourself is more than I care to endure."

I could readily perceive the equities of her contentions, but the position she assumed made it extremely embarrassing all around. She was home with her mother for the Christmas holidays, and anticipated a season of peace and happiness instead of this rude disturbance of her plans. But with me the situation had assumed serious proportions, and something must be done to overcome her scruples in the matter. It was not a pleasant task by any means, but I finally succeeded in gaining her consent to leave the city, although she refused positively to do so until after the Christmas holidays, and no amount of coercion could induce her to do otherwise. I could not shake her determination in this matter, and being convinced that she had already been imposed upon beyond measure, I could not, under the circumstances, ask for any further concessions from her.

Having thus agreed to take her departure, it then became merely a question of locality, it being considered important that she should get far enough away from her present surroundings to throw all possible pursuers off the scent. With that idea in view, it was settled that she should visit points in Southern California, keeping me in constant touch with her movements.

After seeing Mrs. Watson safely off to San Diego, her destination—about December 27th or 28th, 1903—I returned to Portland, where I learned, through Mays, that the cases had been continued. I thereupon went East, during January, 1904, and while in Chicago received a letter from my old partner, McKinley, requesting me to come to La Crosse, Wis., and advising me that a Secret Service man was there, going under the name of Graham, but whose real name, McKinley had learned, was Albert L. Gallagher; that the Government agent was in La Crosse for the purpose of locating Mrs. Watson, which information, McKinley assured me, he had obtained through an employe of the local postoffice. He had also ascertained that there was a letter in the postoffice addressed to Mrs. Emma Porter, which he surmised had been written by some detective for the purpose of trapping Mrs. Watson.

That the reader may properly understand the methods employed by the Government agent in thus addressing the letter in question, I will direct attention to the fact of Mrs. Watson having previously located a homestead claim in Township 11-7 under the name of Emma Porter. The Secret Service Department therefore naturally presumed that Mrs. Watson, while traveling, would assume this cognomen for convenience sake. They were well aware that La Crosse was McKinley's old home, and that he was visiting his relatives at this particular time. They knew also that we were closely identified in fraudulent land transactions, and in constant communication with each other, and that, by making it possible for him to learn about the letter, it would only be a question of time when I became possessed of the same information, and would endeavor to impart it to Mrs. Watson in some way.

Upon receipt of McKinley's letter, I wired him that I would proceed to La Crosse at once, and suited this action by reaching there early the next morning, registering at the Cameron House. A few moments later I was joined by McKinley, and as may be imagined, the subject of Secret Service Agent Gallagher occupied the limelight of our conversation.

After giving me a comprehensive description of the man, whom Horace declared was likewise stopping at the Cameron, he regaled me with a description of the Padlock Holmes methods employed by the Government sleuth in keeping tab on his movements.

"It's a fright," said Horace. "I can't lose the fellow for a moment. He sticks to me like a poor relation, and this is the longest period I have been out of his sight for three days. I'm willing to gamble that he will show up inside of five minutes!"

Ex-United States Senator Fred W. Mulkey, of Portland, chosen by the electors of Oregon to fill the unexpired term caused by the death of Senator Mitchell

Sure enough, McKinley was right, for he had no sooner given utterance to these expressions than the Government sleuth put in an appearance. He held a newspaper in his hand, and under pretext of reading it, took a seat almost alongside of us, assuming an owl-like attitude.

His work impressed me more for its "rawness" than anything else, but we both pretended not to see him. The conversation that ensued between Mac and myself for his especial benefit forms one of the most amusing episodes in my experience with Secret Service operatives. Gallagher was evidently congratulating himself on his eminent success. He had trailed the two arch conspirators to their lair, and had caught them in the act of conversing on a subject in which he, also, was deeply interested, so it was plain to a blind man that visions of the early capture of Mrs. Watson flitted past his distorted imagination.

"She will come through on the Canadian Pacific, and will probably stop off at Winnipeg for a day, arriving here tomorrow or next day," I remarked, in earnest tones. "But there is a possibility of her coming by way of Milwaukee," I continued musedly. "In any event, I have engaged quarters for her with Jerry's wife, who will take good care of her while here."

"Do you consider it safe?" inquired McKinley.

"Perfectly so," I replied. "They will never suspect her whereabouts, because she is not known here."

Had Gallagher been sitting in McKinley's lap he could not have brought his ears in closer range to his voice without running the risk of serious consequences. The "rubbering" position he assumed was killing.

"Well," replied Horace, half-dejectedly, "you know how shrewd these Government detectives are—they seem to be endowed with the instincts of a bloodhound in trailing criminals, and scarcely ever fail in getting their man."

It was ludicrous to see Gallagher swell up at this juncture, and it was all McKinley and I could do to keep our faces straight, notwithstanding the seriousness of the situation.

"Never you mind," I answered with an air of confidence; "Emma will be safe with Jerry's wife, and besides, she will be made comfortable, and probably become satisfied to remain here until after the trials."

"All right," said McKinley. "We will let it go at that, and in the meantime I shall keep a sharp lookout for Secret Service men, in case any of them should happen to stop off here."

After telling McKinley (also for Gallagher's benefit) that I intended to go on to Milwaukee and would return some time during the week, we concluded to take a walk. We were satisfied with the result of our conversation, and felt that we ought to give the Government sleuth the benefit of some outdoor exercise. Besides, I had a curiousity to observe his style.

Our tramp covered a period of about two hours, and was greatly enjoyed by McKinley and myself in more ways than one.

The best part of it was in watching the antics of Gallagher in shadowing us. He flitted around like a will-o'-the-wisp, his watery blue eyes taking on a tigerish expression at times, while his brindle locks resembled the disheveled coat of a coyote under the intensity of its owner's eagerness of manner.

The question naturally arises: How did McKinley become possessed of the knowledge that there was a letter in the postoffice addressed to Mrs. Emma Porter? Also, how had he learned of Gallagher's presence and become aware of his correct name?

As to the letter, Gallagher, being a Government officer, had arranged with the postmaster of La Crosse to let McKinley know, in an assumedly accidental way, that such a letter had been in his office for quite awhile, and incidentally to ask Horace if he knew any such person. McKinley, of course, could have but one reply: he was not acquainted; but, to all intents and purposes, the seeds of curiosity were planted in McKinley's breast, so that all the Government officials had to do was to wait patiently for the harvest.

This same postmaster had unwittingly imparted to a third person full information pertaining to Gallagher's presence, and that he was in La Crosse for the purpose of watching McKinley, with a view of ultimately ascertaining the whereabouts of Mrs. Watson, and getting her within the grasp of the law.

The one with whom the postmaster had thus discussed the confidential relations of the Government, happened to be a close friend of McKinley's, and in consequence the latter was on the ground floor concerning the secret movements to effect the capture of one of our crowd.

The next subject for consideration was the matter of getting hold of the letter addressed to "Emma Porter." I was fully aware that Mrs. Watson, alias Porter, had never entertained any idea of visiting La Crosse, and was satisfied from the first that this was simply a Secret Service trick to trap her in some way. Notwithstanding this fact, however, my curiosity was aroused, and I was determined to secure the letter at whatever cost.

I could not obtain it from the local postoffice, for obvious reasons, so I conceived another plan, which, although rather roundabout in design, eventually terminated with success.

Resolving to take the 2:30 P. M. train for Milwaukee, it became necessary for me to give Gallagher the slip, so McKinley and I proceeded to avail ourselves of another "constitutional," and we had scarcely taken a dozen paces before we realized that our faithful watchdog was in close attendance.

We trudged along leisurely for something like an hour, until a few moments before train time, when, noticing that Gallagher was keeping us under close surveillance about a block away, we stopped in front of a large department store, and began to feast our eyes on the displays in the show-windows. Pointing my finger in the direction of some article as if contemplating a purchase, I told McKinley to keep cases on our man while I made my getaway.

Entering the front door of the establishment and leaving Horace on the outside, I hurried on through to another street, which placed me within about three squares of the depot, and I reached there just as the train was pulling out. Probably Gallagher would be still standing on the corner had he not observed McKinley pass by him alone some ten minutes later, and realized that I had disappeared.

Arriving in Milwaukee, I addressed a letter to the La Crosse postmaster, in close imitation of Mrs. Watson's handwriting, instructing him to forward all mail to Milwaukee, in care of the Republican House. This note was signed "Mrs. Emma Porter" by me.

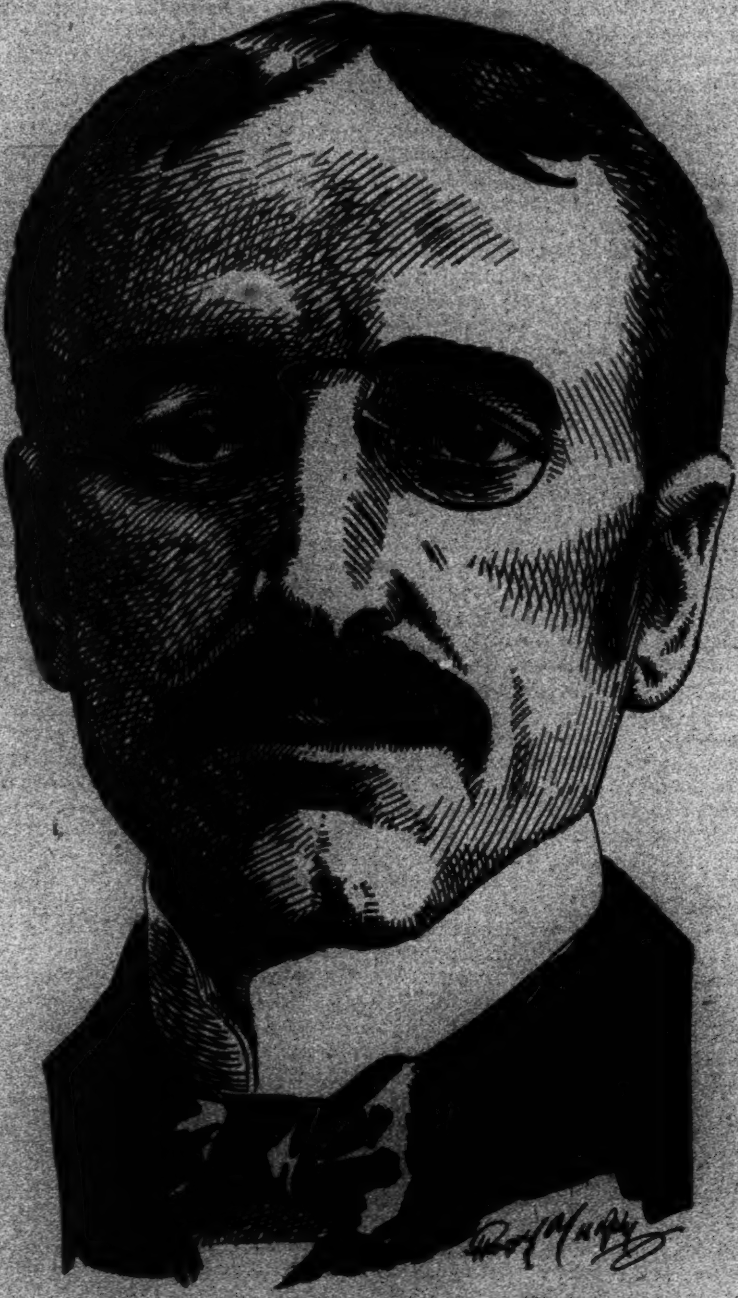
I then went to Chicago, and after waiting until I felt confident the letter would have time to reach Milwaukee, I wrote a letter to the clerk of the Republican House, similar to the one sent to the postmaster, asking that all mail should be forwarded to Chicago, in care of the Great Northern Hotel.

Securing a lot of commercial stationery from various prominent houses of Chicago, I addressed several letters to myself, care Great Northern Hotel, city, all of which purported to be of a business character.

After waiting until such time as I had reason to believe the "Porter" letter had put in an appearance, I sauntered into the office of the Great Northern Hotel and proceeded to make myself at home. I perceived, immediately upon entering, that my old friend Gallagher was there with bells. His eagle eye had focussed me the moment I entered, and it was as good as a circus to watch his maneuvers. I walked past him unconcernedly and took a seat near by, pretending to read the newspapers.

In a little while I arose and going to the office desk, asked the clerk to please hand me the mail in box "P." This request was complied with, as it is customary in all the leading hotels for the entire contents of a box to be delivered to any guest making inquiry for a certain initial of the alphabet.

Glancing through the letters, I noticed one addressed to Mrs. Emma Porter, and it bore evidence of having been directed at the Great Northern



United States District Judge William H. Hunt, of Montana, who presided at most of the land fraud cases, and who earned an enviable reputation for fairness

Hotel, as it was unstamped, although sealed, and in one of the hotel envelopes. My back was turned towards Gallagher at the time, and when I came to this letter, I hesitated long enough to make a mental note of the style of handwriting, afterward returning it to the clerk with the others.

With my personal mail in hand, and hoping to learn something further concerning Gallagher, I resumed my seat near him, and appeared to be deeply engrossed in my correspondence.

No sooner had I done this than Gallagher arose, and walking up to the clerk, also requested the letters from box "P." He did not perceive that I was watching him all this time, so I was happy in the thought that he was not suspicious of my intimate acquaintance with his identity.

Like myself, Gallagher hesitated when he came to the envelope addressed to Mrs. Porter, and was no doubt much surprised upon discovering that I had failed to abstract it.

After securing some writing material from a desk in the reading room similar to the envelope inclosing the Porter letter, I started from the hotel, closely followed by the Secret Service man, and thinking to give him another slip in such a way as not to arouse his suspicions, I wheeled about, walked into the hotel again, and entered one of the elevators that was about to ascend. I realized that Gallagher would follow on the next elevator, and in order to circumvent his intentions, I stepped off at the fifth floor, walked briskly through the hallway and caught a descending freight elevator, by which process I soon reached the street, where I found myself once more free from anybody's attention.

Going direct to my hotel, I took one of the Great Northern envelopes, which I had just secured, and addressed it to Mrs. Emma Porter, imitating from memory the handwriting which I had observed upon the original. I then placed a piece of blank paper in the envelope, sealed it up, and returned to the Great Northern.

Glancing cautiously around, I was unable to locate Gallagher anywhere, so concluded that he was either in his room or on a wild-goose chase after me. I then asked the clerk for the mail in box "P," and upon coming across the letter to Mrs. Porter, I took it out, replacing it with the one I had but recently addressed to her.

Going to the writing room, and in fancied security from observation, I proceeded to inspect its contents, which were as follows:

Mrs. Emma Porter:

Dear Madam—Please call in person for important letter, which will be handed to you at the office.

(Signed) Clerk,
Great Northern Hotel.

After perusing its contents, I addressed another envelope, copying the handwriting from the original, and after replacing the note and sealing, returned it to box "P," at the same time removing the envelope I had left there but a few moments before.

At this point I found myself virtually "up a stump," but I was not discouraged, and had no intention of being outdone, so returning to Milwaukee, I sent a note to the Great Northern Hotel, in substance as follows:

Clerk, Great Northern Hotel, Chicago, Ills.

Dear Sir—It was my intention to visit Chicago, and make your house my headquarters, but I am just in receipt of a wire necessitating my immediate return to the Pacific Coast, hence request that you please forward all mail to Seattle, Wash., care ———— Hotel. Very respectfully,

(Signed) Mrs. Emma Porter.

I have refrained from disclosing the name of the Seattle hotel for the reason that there is no desire on my part to compromise those from whom I afterward received a copy of the Porter letter.

Returning to Chicago, I wrote to friends in Seattle, requesting them to be on the lookout for a letter which would reach a certain hotel addressed to Mrs. Emma Porter, and upon its arrival, to secure it and send it to my Chicago address. In reply I was advised that the letter had come to hand, but could not be obtained. I thereupon wired instructions to get the letter at whatever cost, and was later notified that it had been forwarded in accordance with directions.

In due time I received a copy of the Porter letter, accompanied with the explanation that the original could not be secured for any length of time without detection, and hoping that the copy would suffice. It did, as it proved to my entire satisfaction that its contents were in the nature of a decoy for the purpose of locating Mrs. Watson, corroborating what McKinley and myself had suspected all along.

As to my friend Gallagher, alias Graham, the detective, he turned up missing when I arrived in Chicago from Milwaukee the second time, hence the presumption is that he followed the Porter letter on its mission to Seattle. Had it not been for the fact that I met him personally in Chicago at a later date, I should imagine that he was still engaged in keeping a watchful eye on the important missive through the medium of which he expected to make a really sensational capture.

The Lure of the Sage Brush

Sam Davis in Sunset Magazine

Have you ever scented the sage-brush
  That mantles Nevada's plain?
If not you have lived but half your life,
  And that half lived in vain.

No matter where the place or clime
  That your wandering footsteps stray
You will sigh if you know of her velvet fields
  And their fragrance of leveled hay.

You will loiter a while in other lands,
  When something seems to call,
And the lure of the sage-brush brings you back,
  And holds you within its thrall.

You may tread in the halls of pleasure
  Where the lamps of folly shine,
'Mid the sobbing of sensuous music
  And the flow of forbidden wine.

But when the revel is over,
  And the dancers turn to go,
You will long for a draft of the crystal streams
That springs from her peaks of snow.

You will ask for a sight of beetling crags,
  Where the storm king holds his sway,
Where the sinking sun with its brush of gold
  Tells the tale of the dying day.

And when you die you will want a grave,
  Where the Washoe zephyr blows,
With the green of the sage-brush above your head,
  What need to plant the rose?

Chapter IX

Capture of Mrs. Watson in Chicago by Government sleuths after a hide-and-seek game of long duration—The Windy City newspapers draw the long bow in describing the affair, and print photographs of attractive actresses to represent the fair prisoner, in lieu of her genuine picture, which has never been published heretofore—Puter details his clever efforts to throw the Secret Service off the scent, and almost succeeds in getting Mrs. Watson out of town—Detective Gallagher comes in for a gilt-edged "roast" at the hands of Mrs. Watson, and Special Inspector Greene, of the Interior Department, indulges in a wild-goose chase to his sorrow.

IN February, 1904, I returned to Portland, Ore., and calling upon Mr. Mays, gave him full particulars relative to my experience with Secret Service Agent Gallagher, in connection with the Porter letter. Mays made inquiry concerning Mrs. Watson's whereabouts, and I assured him that she was safely located in Southern California, which information seemed to meet with his approval.

He next asked about Heney; if I had met him in San Francisco, and as to my opinion of his legal ability. As a reply I told Mays that I had attended the preliminary hearing before United States Commissioner Heacock, at San Francisco, wherein F. A. Hyde, John A. Benson, Joost H. Schneider and Henry P. Dimond were accused of conspiracy to defraud the Government of its public lands, and had passed the better portion of two days in the courtroom; that I followed Heney closely in his examination of witnesses, and found him to be most thorough in detail, as well as rigid and severe at times; that his points of law were well taken in almost every instance, being sustained repeatedly by the Court, and that, notwithstanding the fact that several of San Francisco's most eminent attorneys were arrayed against him in behalf of the defendants, Heney seemed to be drawing blood with every stroke of the mallet. I had no hesitancy in telling Mays that I should be exceedingly well pleased if the Government could find it convenient to substitute someone else in Heney's place.

Mays shared my opinion relative to the Government prosecutor, having instituted a quiet inquiry concerning him on his own account, and stated that he had been informed that Heney was one of the best lawyers in the country, being especially formidable on Federal law by reason of his familiarity with the statutes while United States Attorney for Arizona during President Cleveland's administration. Mays mentioned the fact of Heney having been appointed Special Assistant to the United States Attorney-General, through the influence of Attorney-General Knox, and remarked that he must, of necessity, be a man of superior qualifications, else he could not have otherwise been so honored. All in all, Mays was frank in his admission that Heney would be a "hard customer" to go up against, and that under the circumstances it would be advisable for him to remain in the background when our case came to trial, and not undertake to openly represent me as counsel on account of its liability to involve him in trouble. He much preferred to be my "silent attorney," as he expressed it, relying altogether upon his personal influence with United States Attorney John H. Hall to defeat the ends of justice.

Mays suggested that I engage Judge Martin L. Pipes, of Portland, as my chief counsel, classing him properly as one of the ablest local lawyers. He remarked incidentally that he, also, might be called to account for some of his land transactions, and that in the event of an indictment being returned against him by the Federal Grand Jury, he would probably secure the services of Judge Pipes as his associate counsel, and would therefore esteem it a favor if I would also get him in the case with a view of familiarizing him with the issues.

While there is no question that Judge Pipes is one of the best lawyers in Oregon, and a man of sterling integrity besides, it struck me that Mays was saying one word in my behalf and making a whole Fourth of July speech for himself when he was so anxious that I should break Judge Pipes in with reference to the details of the case.

"If Hall should continue to have full swing," said Mays, "I shall not fear the outcome; but should this man Heney gain control of the reins, there is no telling where we might all land."

In discussing the situation further, he told me about having received private information to the effect that in addition to Col. A. R. Greene, Special Inspector, Department of the Interior, the Government had placed a large number of other Secret Service men in the field, who were making a systematic and thorough search for evidence against the accused, more particularly with reference to the 11-7 case.

This information caused me no end of worry, as there were ten people implicated in the fraudulent claims, and should the Government agents succeed in getting a confession from one or more of them, I felt that the jig was up. Mays, however, anticipated no trouble from this source, even though we should be indicted, contending that three years having elapsed since the transfer by deed to Mrs. Emma L. Watson through the original entrymen, the Government was barred by the statute of limitations in any criminal action.

I felt greatly relieved upon learning this, as I had the utmost confidence in Mr. Mays' legal opinions at that time. It has since transpired that he was very much mistaken in his assumptions, as we were afterwards indicted and convicted for our part in the 11-7 deal, the Court holding that the statute of limitations did not commence to run until three years after the issuance of patents.

Feeling thus secure, so far as the possibility of any indictment in the 11-7 case was concerned, our conversation drifted to the indictment involving us in the six fraudulent entries in 24-1. I had no hesitancy in assuring Mays that there was no occasion for apprehension there, as the six names constituting the supposed original entrymen were purely fictitious, hence the Government agents would find it uphill work to locate any of the claimants, thereby rendering it impossible for them to secure a confession.

These agents, no doubt, could find numerous persons who would make affidavit to the fact that they had never seen the alleged entrymen on or near the tracts embraced in their homesteads, but what would all that amount to when it became a question as to their actual existence and our criminal liability, I reasoned.

Mays was not so confident that my position was absolutely tenable unless Marie Ware, who was United States Commissioner at the time the final proofs were supposed to have been made before her, should stand pat. If, as Mays declared, Miss Ware could be relied upon to play her part, and Mrs. Watson was kept out of the way, he agreed that under those circumstances there was nothing to borrow trouble about.

Some days later I called upon Mays again and acquainted him with the contents of a letter just received from Mrs. Watson, in which she informed me of her intention to leave Southern California for Chicago very soon, and for me to communicate with her there. He was much perturbed to learn of this unexpected move, and expressed the opinion that she was displaying a degree of recklessness that was extremely dangerous. He insisted that I refrain from writing to her, as that would amount to certain detection, but instead that I should take the first train for the East, and upon my arrival in Chicago, that I insist upon her going to Canada, or one of the Southeastern cities, whichever she preferred.

To return to Chicago at this particular time signified that I must sacrifice certain interests demanding my immediate attention on the Coast, some of which were of great importance to me personally; but rather than have it said that because of any seeming negligence on my part the capture of Mrs. Watson had been effected, I decided to adopt Mr. Mays' suggestion in the matter, and left for Chicago immediately, going by way of San Francisco, where I visited my home in Berkeley for a few days only, arriving in Chicago about March 20, and stopping at the New Southern Hotel.

At noon of the day following my arrival, I called at the postoffice for my mail, which I had ordered forwarded from Portland, and upon presenting myself at the general delivery window, whom should I see once more but my old friend Gallagher, of the gumshoe fraternity. The Secret Service man eyed me complacently as I repeated the name of S. A. D. Puter when inquiring for my mail, and I felt no surprise, upon leaving the building, to discover that I was not without company, for sure enough, the faithful Government sleuth was close at my heels.

The thought of meeting Gallagher at this time was not altogether a pleasant one, especially since I had received, among other letters, one from Mrs. Watson advising me through whom I might be able to secure information as to her whereabouts.

If he was familiar with the contents of this letter—as Government detectives, it is assumed, experience little difficulty in gaining knowledge of this character—I felt the necessity of being more cautious than ever regarding my movements. To see Mrs. Watson, and that, too, immediately, was most imperative; but to attempt to locate the person whose name was referred to in her communication would be sheer folly so long as Gallagher was on my trail. However, there was no personal danger involved, as Mrs. Watson, and not myself, was the one wanted, so it only remained for me to give the Secret Service man the slip, a feat that I had accomplished successfully so many times before.

Walking leisurely about for a time, I decided to try the street car route, so boarded a south-bound car on Wabash Avenue. My effort, however, on this occasion availed me nothing, as Gallagher succeeded in getting aboard with me and taking a position that gave him a good view of all my actions.

Taking advantage of a temporary suspension of traffic by reason of some obstruction, I left the car we were on and took the first one north-bound, with the Government sleuth in close pursuit.

After alighting, I walked into the Palmer House and registered. I then went to my room and after remaining a few minutes, decided to make another effort. Gallagher, who had been watching for me in the hallway, accompanied me in my descent by the elevator. Walking out of the hotel and north on State to Madison Street, I hesitated on the corner to speak to a hack driver, which was a ruse on my part to determine the whereabouts of the detective, whom I discovered to be close at hand.

I then walked over to Wabash Avenue again very slowly and apparently unconcerned, that I might, if possible, induce him to slacken pace also, and as luck would have it, I discerned a car on the corner which was about to start south. Seeing my opportunity, I waited until the car was well under way, when I made a tremendous sprint and succeeded in catching it on the next corner just as it was about to start again.

Glancing back I could see Gallagher coming for all he was worth, with umbrella in one hand and hat in the other, both of which he was waving in frantic fashion and shouting at the top of his voice for the car to stop.

Realizing that his efforts might prove successful, I hurriedly extracted a dollar bill from my pocket book, and handing it to the conductor, remarked that it was important for me to reach home with all possible dispatch on account of illness in my family.

Sample of 5,000-acre tract in Township 1 S., Range 6 W. (Washington and Tillamook Counties, Ore.) sold by Puter in 1898 to Edward B. Simpson, of Milwaukee, Wis., for $4 an acre; resold in 1905 to Schroeder Lumber Co., of Milwaukee, for $25 an acre, and now held at $100 an acre

"Keep the change, old man, but push 'er through," said I encouragingly, and he did.

The "serious illness" was not of long duration, however, and there was a convalescence as soon as I noticed that Gallagher had given up the chase; so I alighted immediately, and in this instance it was my turn to do the trailing, as I had noticed that he was retracing his steps in the direction of Madison Street.

Noting that he turned the corner, I followed him as far as the Palmer House, and knowing that I was safe from pursuit for the time being, I struck out to locate Mrs. Watson's friend, through whom I was to ascertain her whereabouts. Luck favoring me, I was soon in possession of the desired information, and proceeded forthwith to her boarding house on North Dearborn Street, in the vicinity of Jackson Park, where I learned that Mrs. Watson had just stepped into the dining room for luncheon.

Presenting my name to the landlady, and stating that I was a friend of Mrs. Watson's from California, I was ushered into the parlor and she was notified of my presence.

My visit on this occasion covered a period of about two hours, in the course of which I related my experience with Gallagher and suggested that she leave Chicago without delay. She was visibly affected by the proposition, and it was plain to be seen that she was not at all enthusiastic on the subject.

"Here I am," said she in mournful tones, "fearing almost to venture on the street, say nothing about visiting the city, and this condition has been my lot for fully three months. This thing of eluding detectives at every turn has become unbearable," she went on, and I could see plainly that she was on the verge of giving it up as a lost cause and surrendering without any further ceremony. From her conversation and manner I perceived that I was up against a hard problem, but it was not for me to quit at this stage of the game, nor could I permit her to entertain such a thought, either. It became incumbent upon me to reason with her, and convince her that quick action was absolutely necessary. Had I attempted to frighten her into going away, it would have been all off, as lack of confidence is destructive to courage, and at this trying juncture she must be possessed of both.

After parleying for some time in an effort to determine just where Mrs. Watson should go, she finally consented to take her departure, providing her destination should be New York, where she stated that a number of her friends and acquaintances resided. I assented readily to the plan, and expressed the wish that she leave on the evening train, to which she demurred, promising that if I would not insist upon her going at once she would gladly remain indoors, thus avoiding any possible chance of detection.

Not wishing to appear arbitrary in the matter, I assured Mrs. Watson that I coincided with her views, whereupon I bade her good-bye and took my departure, after arranging to call again soon, and returned to the Palmer House.

I saw nothing more of my friend Gallagher that afternoon, nor did he put in an appearance on the day following, which convinced me that our race for the street car on Wabash Avenue had settled the question with him. I learned afterwards that he had reported to headquarters that I was too swift for him, and had suggested that one more fleet of foot be detailed on the case if the Government hoped to effect a capture.

The absence of Gallagher, however, did not eliminate the cautiousness that I had observed from the beginning. In truth, his non-appearance furnished me with just cause for alarm, as I realized that beyond the question of any doubt the vacancy would be filled without delay, and in the absence of any knowledge of the sleuth who might be shadowing me at that very moment, a greater danger confronted me than any yet experienced.

On the following morning I decided to call upon Mrs. Watson again, but before making the attempt, I enlisted the services of a friend to follow me for awhile with a view of finding out, if possible, whether detectives were on the scent or not. All the details as to where I should go and when I should start were arranged in advance. At no time was I to appear concerned, nor was I to look behind me, but simply proceed on my way, apparently oblivious to all surroundings—my friend was to do the rest.

It was discovered from the start that I was being trailed, this time by a younger and more likely man, who proved to be Elmer A. Gorman, a Secret Service operative. There was no more running after me. The tactics adopted by Gallagher were discarded by the new man, who employed more modern methods in the effort to keep me in sight and locate Mrs. Watson's hiding-place.

Whenever I boarded a street car and my new "shadow" found it impossible to reach it without attracting attention, he would quietly take the next—the one ahead being always in sight—and by occupying a front seat, could watch all my movements and be governed accordingly. This process consumed the better part of two hours, when I returned to my hotel, followed shortly afterward by my friend, who gave me full details concerning the maneuvers of the detective.

In view of the situation, I concluded that it would be unsafe for me to call upon Mrs. Watson until evening, when I felt confident that I could meet her without great danger of being observed.

Dusk having arrived, I determined to give the detective the slip, and favored the elevator route again. Being familiar with quite a number of the larger buildings in Chicago, several of which possess from two to four elevators, I walked directly to one in mind, ascended to the fifth floor, and taking the elevator furtherest away from the point of entrance, I descended and soon found myself on another street.

Not being entirely satisfied, and to avoid all possible detection, I boarded a West Side elevated car, and after riding about a mile, doubled back for quite a distance, this time taking a surface car and transferring to one traveling north on Clark street. In this way I soon arrived at Mrs. Watson's apartments, where I found her in a very gloomy state of mind, and much as she felt when I left her the day previously.

She seemed to feel that she was being dreadfully imposed upon, and while I was in no position to deny her claim, at the same time I dared not admit it. I explained, of course, that her present condition was brought about by a combination of circumstances, through which she was made to suffer more than was her rightful due, but that this same situation might have easily befallen any of the others against whom indictments had been returned; hence, since the die was cast, it was her duty to stand pat, and to maintain the same position assumed by her associates in the transaction.

I reminded her that the Government's case would go by the board without her testimony, but that, if she were discovered, the news of her capture would be heralded broadcast throughout the country, and would go down in history as one of the most sensational episodes connected with the trials of the land fraud ring.

My arguments in favor of her leaving Chicago at once were to all appearances having a telling effect. If there was one thing that Mrs. Watson detested more than another, it was notoriety. She would avoid it at any cost, and it required but little further persuasion on my part to secure a promise that she would not ask to remain but a few days longer. Upon leaving for my hotel, she assured me that she would think the matter over, and that I might call for her answer on the following day.

Returning to the Palmer House, I settled my bill and engaged a room at the Grace Hotel, registering under my correct name. I was hardly settled in my new quarters when I discovered that my identity was known to the detective who had supplanted Gallagher. It mattered not where I went, the Secret Service man was right after me, but I did not mind this so much so long as I could keep Mrs. Watson under cover.

Next morning I went to the express office and secured a telescope basket for which Mrs. Watson had given me an order the night before, and which I was to either send or bring to her when opportunity offered. In the meantime, I placed it in my room for safekeeping.

I then made some purchases around town, kept a few business engagements, and visited an occasional friend, after which I spent the day about the city, with little or nothing to do but kill time. I felt that it would be unwise for me to attempt to deliver the telescope basket that evening, as the Government sleuth was within ten feet of me when I took it from the express office, and therefore let it remain in my room.

Before boarding a car for the North Side, I walked about for something over an hour in the effort to locate the detective, but he was nowhere to be seen, so I concluded that for once I was not being watched. Quickly walking over to Clark street, I lost no time in reaching Mrs. Watson's boarding-house, where I remained but a few minutes, securing her promise to take her departure for New York City on the following evening.

Upon arriving at my hotel, I found the "gumshoe" man in conversation with some other person, whom I afterwards learned was also a detective, and had been delegated to assist in trailing me, and, if possible, to capture Mrs. Watson.

I was up bright and early the next morning, although for no apparent purpose, except a natural anxiety to get Mrs. Watson safely away on her journey. I was ill at ease, and time lagged heavily on my hands until nightfall, when I hoped to make final arrangements for Mrs. Watson's departure and at the same time deliver the telescope basket to her.

After dinner that evening, I passed some time in the neighborhood of the hotel office, thinking by that process I would be able to ascertain if I was being trailed, and find out if possible who my pursuers were. I wondered if it could be possible that the sleuths had neglected me for the moment, as I believed they had done on the night before. However, the way seemed clear enough, and as I must get to Mrs. Watson's apartments without further delay and assist in spiriting her out of the city, I decided to make the attempt.

Going to my room, I secured the fateful telescope basket, and descending a stairway from the second floor that led to the basement, I experienced little or no difficulty in reaching the streeet. When I took a car on State Street for the North Side, I was pleased to observe that no one but myself had boarded it at that particular point, and after scrutinizing the passengers closely, became convinced that there were no Secret Service men around.

Everything looked so easy for me, in fact, that I really became quite nervous. I could not understand it. I knew that they wanted Mrs. Watson, and that they hoped to locate her through me. Why, then, should I be permitted to leave my hotel on two different occasions, one evening after the other, without being followed by one or more of these detectives? The entire proceeding appeared mystical in a way.

While thus meditating, the conductor called out the name of a certain street, and as the car was stopping in answer to the signal from one of the passengers, it occurred to me that I, too, might alight at the same place, although still several squares from Mrs. Watson's boarding-house. However clear the coast seemed, I could not separate myself from the idea that somehow, and in a manner entirely unexpected, these "wise men" of Uncle Sam had determined upon some carefully devised plan whereby they hoped to thwart my efforts to conceal the whereabouts of the one they were so anxious to capture.

Stepping off the car, I walked two blocks west to Clark Street and took the first north-bound car. Here, again, if I may judge from surface indications, there was nothing to fear, so I rode to a point exactly one block west of Mrs. Watson's stopping-place. After alighting, I walked east a block, and crossing the street continued ahead until I came to the side entrance of the boarding-house, and went direct to Mrs. Watson's apartments. Upon delivering the telescope basket, I asked if everything was in readiness for her journey, at the same time handing her a ticket to New York.

"Yes, and no," replied Mrs. Watson. "I was all ready, but Miss ———, who is going as far as Boston with me, finds it impossible to leave until tomorrow night, and I do not wish to go without her. Besides," she continued, "I have several articles of clothing that should have been delivered before this, but which have not yet arrived, and it cannot hurt for me to remain one day longer."

It was a woman's way, and there was no help for it. I was sorely vexed and disappointed to learn of this change in my plans, as I expected to go to Milwaukee early the next morning on business of importance, and I disliked the thought of going away until Mrs. Watson was safely out of the city. I reasoned with her, on the plea that she should show some consideration for the seriousness of our position, and carry out her agreement with me of the night before; that I had lost considerable time already in perfecting arrangements for her departure, and that, in all fairness to me, she should leave Chicago without further delay.

She was obdurate, however, and could not see that my objections to her remaining over were well taken, as she argued that I, not she, was largely responsible for her predicament, and that my demand for her immediate departure was not based upon reason. On the other hand, she thought I should be congratulating myself for the manner in which she was protecting me, instead of upbraiding her in this fashion for what I was pleased to term her seeming negligence and lack of interest.

It was no use to discuss the matter any further, as Mrs. Watson was determined not to leave that night, but she promised faithfully to go on the afternoon or evening train of the next day.

Returning to my room at the hotel, I busied myself with studying out a plan of action for my own observance on the morrow. I resolved to go to Milwaukee by the early morning train, but questioned the advisability of remaining there over night while everything was so upset, as I wanted the matter of Mrs. Watson's departure entirely off my mind, and considered it best that I should be present when she left. I concluded, therefore, to go to Milwaukee as outlined, transact what business I could, and return again during the afternoon, and this plan was subsequently executed.

My thoughts, as I neared Chicago on my return, can better be imagined than described. The trip to Milwaukee, while it consumed only a few hours, had been highly successful, and I felt in buoyant spirits as the train speeded along in the direction of the "Windy City."

We were approaching a station, the brakes had been applied, and even now the train was slowing up. The brakies were busy once more, and as they passed through, announcing in strenuous tones, "Evanston!—next stop! Evanston!—next stop!" an occasional passenger would rouse himself and make ready to take his leave. To me, however, this stir and tumult was of little moment. My thoughts were centered upon the one idea of getting Mrs. Watson safely away, and although I felt highly elated over the financial outcome of my trip, the subject of her presence in the city under the circumstances was the skeleton at my feast.

Soon the suburban town of Evanston was reached, and the great iron monster had hardly ceased its throbbings, when there was a din and confusion outside that rose high above the natural tumult around the depot. It was the "newsies" shouting out the different features of the evening papers, and as one great army they clamored about in noisy demonstration. Every passenger by this time had become inoculated with their enthusiasm, and from window and platform were fast dissipating the youngsters' stock in trade.

What a chorus of voices! I thought, but paid little heed to the inharmony of sound until one shrill shout aroused me from my lethargy and seemed to chill every drop of blood in my veins.

Garden patch in the heart of the forest, showing the agricultural possibilities of the timber land of Oregon after clearing. This photograph was taken on a homestead claim near the Sanitam River, in Linn County

"All about the sensational capture of Mrs. Watson!"

"Here's your latest about the woman millionaire in jail!"

"Full particulars of the capture of the land fraud queen!"

And so on, until, sick at heart and bewildered in mind, I re-entered the car and took my seat, after vainly endeavoring to purchase a paper. "Sold out!" was the answer that greeted me on every hand, and for once I was left.

Oh, well, thought I, "sour grapes," and for the moment I did not care to read. Then came the reaction, and appreciating the seriousness of the situation I was determined to learn the truth.

"That paper, son!" I exclaimed to a young man sitting directly in front of me, and suiting the action to the word, I grabbed it from his hands.

"But it's mine!" was his alarmed rejoinder, as he tugged at it with jealous instincts.

"It don't make any difference," was my frantic answer. "I must have it!" and tossing him a coin as a balm to his injured feelings, I continued more soothingly, "there's your money back—just keep the change"—and I had my way.

Talk about headlines! Whoever made them up for this paper was certainly a past master in the art. They were the most glaring I ever beheld, and the combination of different colored inks reminded me of the varied hues of a rainbow. And then the body of the article! Why, it would have done credit to one of "Nick Carter's" most bloodthirsty tales!

Mrs. Watson was described as a woman of wonderous beauty and captivating manner, who had surrounded herself with a desperate gang of border ruffians who made her homested claim in Township 11-7 their constant rendezvous, when not making incursions into the neighboring settlements and tearing Uncle Sam's land up by the roots and running off with it to their mountain fastness.

According to this pen picture, she had defrauded the Government out of millions of acres, and there were columns of details showing how she had been systematically operating for years.

To me the description was ludicrous. As a matter of fact, she had acted in perfect good faith in all her transactions, and although mixed up in a way in some of the land frauds, it was on account of being imposed upon by her friends.

As to the pictures of Mrs. Watson appearing in the Chicago papers, there was no more of a resemblance to her than of some mythical person. The only authentic photograph of Mrs. Watson that has ever been printed appears in these pages; and it shows that she is anything but the gaudy creature portrayed in the columns of the enterprising Chicago newspapers. The description of her wearing apparel was also absurd. Although known by her friends to dress in good taste, she was depicted as wearing exquisite gowns, and fairly dazzling with diamonds, with hat fully thirty inches wide, and an ostrich plume a yard long. The fact, is, what purported to be a picture of Mrs. Watson was none other than that of some swell actress dressed for the occasion.

It was now close to 5 o'clock and we were nearing Chicago. My first step upon reaching the city had been fully determined upon, and no sooner had the train stopped than I was on my way to an attorney's office. I handed him the evening paper, and after acquainting him with the circumstances attending Mrs. Watson's flight from California, her stay in Chicago and her plans for going on to New York, requested that he see her at once and learn the facts connected with her capture, after which he was to report to me.

In less than two hours he returned with the statement that Mrs. Watson had been arrested by Secret Service men of the Government about 9 o'clock in the morning; that she had been "sweated" by some of the best detectives in the service and had borne up under their inquisition with great fortitude, absolutely refusing to talk or be interviewed, and that at the present time she was in charge of the matron at the North Side Dearborn street jail. He informed me further that she had expressed an intention to waive all rights to any preliminary hearing; would not fight extradition, and wished to return to Oregon at once. From another source he learned that in conformity with Mrs. Watson's expressed desire, she would be sent back in charge of a deputy United States Marshal, and in all probability would leave the next evening.

With this information at hand, there was nothing more for me to do that night, as I also learned through my attorney that positive instructions had been given the matron not to permit anyone to see or converse with Mrs. Watson, and that this order was to apply particularly to one S. A. D. Puter.

The next morning I found that all the papers were teeming with the story about the capture of Mrs. Watson. It was the talk of the city, in fact, and I wondered how a matter of that kind should create so much local interest. The press, no doubt, was largely responsible for conditions in that respect, as the photographs of several of America's noted "beauties," not one of whom represented the real Mrs. Watson, graced the front pages of nearly all the morning dailies, and were supposed to be reproductions of her classic features.

Few, indeed, who could have been able to resist a desire to gaze on such loveliness of face and figure as portrayed by the newspapers. She became a momentary sensation on that account, and the remarks of the morning papers were like fuel to the flames created by the evening papers of the night before. Her exploits alone, as detailed so graphically by the clever reporters, were sufficient to promote the fondest admiration in the hearts of brave men, some of whom would have no doubt been extremely willing to furnish bonds in any amount.

Mrs. Emma L. Watson, whose clever capture by the Government Secret Service in Chicago, was the occasion for the display of much sensationalism by the Windy City newspapers

I was in a position to hear a great many side-remarks concerning her arrest, and it was comical to listen to the fusilade of comments from all sides.

"That woman should never have been jugged!" declared a fierce-looking Southerner, as his admiring glances rested upon the classic features of Maxine Elliott.

"I should say not!" echoed a big Westerner, with equal indignation, as he fixed his gaze longingly in the direction of a picture of Edna May that appeared in another paper.

"It's a downright shame!" chorused a third, riveting his affectionate attention upon the beautiful brow of Maud Adams.

For the boarding-house at which Mrs. Watson stopped, which was described in the papers as one of the most fashionable in the city, the advertisement alone must have been worth a small fortune, and I have no doubt that prices were advanced accordingly.

Old Oregon itself came in for a goodly share of praise, for if such as the Watson woman could be found in great quantity within her borders, the State Immigration Commissioner's office might just as well be dispensed with, and Western feminine loveliness, instead of the wonderful commercial, mineral and agricultural resources of the country, should be held out as a sufficient allurement to attract the masculine attention of all nations.

My next move, after digesting the contents of the newspapers, was to call upon my attorney once more and request him to make another visit to Mrs. Watson and assure her that I approved her plan of returning to Portland without offering legal resistance; also that I would leave for Portland myself within 24 hours, and would arrange the matter of bail for her immediately upon my arrival.

Up to this time I had no knowledge whatsoever concerning the method of her capture, and proceeded to interest myself in that direction. This was no easy matter, as I soon discovered, as it was impossible for me to gain anything definite from the newspapers bearing upon the subject, and I recognized the futility of trying to find out anything through the Secret Service branch of the Government.

Fortunately, I met the friend who had assisted me so ably by shadowing the sleuth who was trailing me on the morning of my second visit to Mrs. Watson's apartments, and to him I related my tale of woe.

"Wait until noon," said he, "and I believe I shall be able to place you in a position to secure this information, provided you work things just right."

After outlining his plan, which appealed to me very forcibly, I improved the interim by refreshing my memory relative to various names, places of interest and dates that seemed apropos to the scheme, and at the appointed hour was on hand at a certain cafe, where a few moments later myself and friend were joined by a third person, who had dropped in for his customary noon-day refreshment. The formalities of an introduction over, I suggested that we might all indulge in a round of drinks.

While they were being served, our conversation gradually turned to the Emma Watson case. I held a morning paper in my hand, which I apparently unconsciously unfolded, and gazing with some degree of intentness upon the supposed likeness of the subject of our discussion, took occasion to comment upon her wonderful beauty, and express sympathy that one of her apparent refinement and culture should be placed in such an unfortunate position.

"Yes, she's a corker all right," remarked my new acquaintance, "but," he continued with a smile, "that doesn't happen to be her picture."

"Oh, you are acquainted with the lady, then?" I remarked, in an offhand manner.

"Well, yes, somewhat," he replied with a peculiar expression. "And I tell you she is a brick at that."

"You see," chipped in my friend, "this gentleman is in the Secret Service department of the Government, and is generally pretty wise on matters of this kind."

"Oh, ho," I answered, "in that event you probably know all about the case."

I then shifted the subject of our conversation, and having learned in advance that my new acquaintance had come to Chicago some years before from a certain town that I was very familiar with, I managed to drift that way without arousing suspicion. He asked, of course, when I was there last, whom I knew, and all about the old place, and the questions being answered to his entire satisfaction, he insisted that we take luncheon together for old time's sake. My friend found it convenient to have an important engagement at this point, so the Secret Service man and myself were left alone.

Another drink was in order, another word or two about the old town, and still another smile. We were good friends by this time. He liked my style and said so, with wonderful frequency, and it was not long before we had formed a mutual admiration society. I admitted, in fact, that since my boyhood days I had always entertained the highest regard for detectives—especially great ones like himself—and went on and related how my youthful mind had been fired by reading tales of the daring achievements of "Old Sleuth," "Hawkshaw," "Sherlock Holmes," Vidocq, and a host of other human ferrets, too numerous to mention.

Still another drink, and we sat down to luncheon, and while waiting for our order, the newspaper, which I had retained in my hand, was again unfolded.

"That Watson woman must be a 'hummer,'" I remarked, by way of opening the conversation.

"More than that," was his prompt reply. "Do you know," he continued, "she is looked upon as one of the cleverest we have ever nabbed. That man Puter, too, is the best ever. Why, sir, he has fooled some of the best men we have over there," nodding his head in the dirction of Secret Service headquarters.

"How do you account for it?" I asked.

"No accountin'," he replied.

I had been introduced to him under the name of Lawrence, and the ice having been broken, the story was soon told: How Puter had spent several days in the city, and had, it was believed, visited the Watson woman every day. Of this, he said, they had no positive knowledge, but they did know to a certainty that he managed to shake the detectives wherever and whenever he saw fit, which fact was beyond comprehension, as Puter had no idea he was being trailed, Nevertheless they would lose him in the shuffle every time.

"Our captain put up with it just so long, but finally lost all patience one night when his operative reported back that Puter had disappeared as if swallowed up by the earth. He described how he had trailed Puter to a certain point, when all trace of the quarry was lost, so the captain decided to supplant this man with another, and later put two of our boys on Puter's trail.

"One of them thought Puter was 'wise,' but the other disagreed with him, and in order to settle the matter, instead of going into Puter's hotel, they stationed themselves at a convenient distance where they could observe everyone going in and out, and at the same time be free from observation.

"They did not have long to wait before their man appeared, and following him at a safe distance, they felt confident of their ability to locate the whereabouts of Mrs. Watson before many hours. They had reckoned without their host, however, as he vanished like a mirage.

"About two hours later, while sitting in the hotel office, they noticed Puter come in and go up to his room, and from that moment they never lost sight of him, until the next morning when they were relieved and permitted to rest up for the work of another night.

"Now, sir, this is where they get in, or rather, when they locate her hiding-place. When Puter came out of the hotel that night, he held a grip in his hand, and emerged from a side entrance leading from the basement. It was a sure shot that he was 'wise,' for he walked around for some time before he brought the grip out with him, seemingly in an effort to determine whether he was being watched. It was all apparent that he felt satisfied with the situation, at the same time, wishing to avoid any possible chance of detection, he took the precaution to come out by the basement route.

"Our boys then watched Puter until he took a north-bound car on State street, when they boarded the next one and fixed it with the motorman to make the best time he could, and if possible catch up with the car ahead. This could not be done on account of the numerous stops, but nevertheless, they were close enough behind to see Puter alight, and were sure of their man on account of the grip he was carrying. They followed him then over to Clark street, and also saw him take another North-bound car. Again they followed, taking the next car and working the motorman as before. The grip was playing an important part now, and was a target for their observation. When within four blocks of the car ahead of them, they noticed that it stopped, and a man got off with grip in hand and walking in an easterly direction.

"One of the boys also alighted and went east on a street just three blocks south of the one Puter was on, making the first corner in time to see him cross over and continue east, our man doing likewise, but when he reached the next corner, Puter was nowhere in sight.

"Our other man had continued north on the Clark street car to a point one block north of the street upon which Puter had alighted, he, too, going east. In due time our boys came together; and it was decided that the one they were after must be within two or three blocks, so they looked up all the likely places, visiting private hotels and boarding-houses, until they finally located their party.

"Giving an accurate description of Mrs. Watson, one of our boys inquired if any person answering that description was stopping there, and upon receiving an affirmative answer, they took the landlady into their confidence, assuring her that they would create no disturbance, nor would any arrest be made that night, but that they must be given quarters in her house, convenient to those of Mrs. Watson. This was agreed to, and she was not molested that night.

"Puter left shortly afterward, and one of our boys trailed him to his hotel, later reporting to headquarters all that had occurred, and then returned to Mrs. Watson's stopping-place accompanied by the Captain, who approved all that had been done, and instructed his men to keep a close watch on the Watson woman until they received further instructions. Nothing else was done until the next morning, and Mrs. Watson was permitted to eat her breakfast as usual, little thinking that she was dining in the same room with her prospective captors.

"At 9 o'clock that morning, Captain Porter called in person at Mrs. Watson's apartments, and knocking at the door, was admitted by the lady herself. 'Is this Mrs. Watson?' he asked. 'It is,' was the reply; 'what can I do for you?' The Captain informed her that he had a warrant for her arrest, and she simply said, 'All right, I will go with you,' and putting on her hat, she accompanied him to headquarters.

"We had lots of fun when Mrs. Watson was brought in," continued the detective. "Everybody, of course, wanted to see the wonder from the West, and it is needless to state that every man in the service who could crowd into headquarters made it convenient to be there. The lads all fell in love with that woman. Her independent spirit won 'em to the last man, but most fun of all was when Detective Gallagher blew in. Somebody had met him on the street and tipped it off that Mrs. Watson had been captured. In order for you to properly understand, I will state that this fellow Gallagher had been after the Watson woman for some time, and also trailing Puter in the hope of finding her, but he got slipped up so often that he quit in disgust. When he heard of her arrest, in he bounded post haste, and going up to Captain Porter, blurted out: 'Got 'er,'ey? Great work, Cap., but keep a weather eye on that gal or she'll turn up missin' afore you can say Jack Robinson. Don't overlook the shackles, either, when she

Capt. J. A. Sladen, Clerk U. S. Circuit Court of Oregon, before whom many of the land fraud defendants had their preliminary hearing

goes to Oregon, Cap., and send two of the best along, for if Puter and McKinley get next, they will have her off that train in a jiffy, even if they have to hold it up.'

"The Watson woman sat there listening to every word that Gallagher uttered but she never batted an eye until he had finished his spiel. Then she arose, and going straight up to him, she looked him square in the eye before the whole bunch of detectives, and said: 'I guess, sir, that the United States Marshal is amply capable of taking care of me without your assistance. Do you realize, sir, that it is a woman you are talking about? By what right do you interfere? What have you done to effect my capture? Not a single thing! You it was who trailed Mr. Puter for weeks, but to what avail? You it was who tried to locate me, but with what success? These, sir, (pointing to the two lads that were with the Captain when he brought her in) are the gentlemen who captured me, and to whom all credit is due; and it is for them, not you, to say when I shall be deported, and in what manner.'

"Finishing her outburst of indignation, in which she made no attempt to conceal her disgust for Gallagher, Mrs. Watson turned around and resumed her seat like a queen, amidst the silent applause of all present. She had won their hearts hands down, and as the clatter of voices could be heard once more, Gallagher could be seen making a quiet sneak, with the air of one who refused to be comforted."

Luncheon finished, there was nothing further for me to do but to make my leave-taking from my new-found friend as pleasant as possible, which I did with the best grace at my command.

Returning to the office of my attorney, I learned that all arrangements had been perfected for Mrs. Watson's return to Oregon that night, accompanied by Deputy United States Marshal Milton, a gentleman fully 65 years of age, who was one of the most trusted men in the Government service. I then sent word to her through my attorney that I should also probably leave for Portland the same evening or the following morning, at the very latest.

Upon my arrival in Portland I ascertained that Mrs. Watson had reached the city the evening before, and was stopping at the Imperial Hotel, having furnished cash bond in the sum of $4,000 as soon as she got there.

I was somewhat surprised, in calling upon Mrs. Watson at the hotel, to find her in excellent spirits. She had enjoyed the trip immensely, she said, and was greatly pleased with the kind consideration shown her by Deputy Marshal Milton, whom she declared was a gallant escort.

Some weeks later, while discussing the arrest of Mrs. Watson with an old acquaintance who happened to be in the Government service, I was considerably amused to learn of Col. A. R. Greene's wild-goose chase across the continent in response to the first news of her capture. The Special Inspector of the Department of the Interior was of that calibre who fancied that everything would go wrong unless he were consulted upon an important matter of this character.

Rushing to his room as soon as he got word that Mrs. Watson had been apprehended, he bundled what wearing apparel he could get hold of in his haste, and made a break for the railroad depot.

"First-class ticket for Chicago!" he thundered. "Never mind the Pullman—I can get that on board. Oh, yes; my change—I nearly forgot that," and he bolted through the gate like the belated fragment of a Kansas cyclone, with his billygoat whiskers streaming behind as a fluttering farewell.

The train seemed to creep along with snailish speed to the one whose vivid imagination led him to believe that everything would be at a standstill until he got there. His eagerness knew no bounds, and the Windy City had no sooner been reached than he jumped into a waiting cab and was away like a flash for the United States Marshal's office, where his animated appearance created no end of surprise.

"Why, hello, Greene, old boy; how are you?" came from one.

"Thought you were out in Oregon?" chimed in another.

"Well, well, well, if it isn't the old man himself," echoed a third, and being more bold than the others, he ventured to ask:

"What brings you here, Colonel?"

"Oh, nothing much," he replied with an air of nonchalance; "just came to take her back, that's all."

"Take who back?" came a chorus of voices.

"Why, the woman we have been hunting for these many moons, of course—Mrs. Watson, the land fraud queen, to be sure!"

Then they all gave him the horse-laugh, until one, in the pity of his heart, broke the sad news to the famous Government sleuth, and told him how she had been gone long enough to be pretty near home by this time, and that he had had his labor for his pains in coming after her.

My informant assured me that the Colonel's face took on a look of decomposed woe when he heard this news. He gasped for breath, and complained about the sultriness of Chicago climate, while a sickly, castor oil smile played around his features.

To think, after he had become reconciled to the fact that his bird had flown, that the Marshal should have had the utmost disregard for the fitness of things by sending her on that long journey accompanied by a man of fully 65 summers, and the Lord only knows how many winters! It was preposterous, and he would look into the matter.

"He will never land her there!" ejaculated the Colonel vehemently, "Never, sir! never! You ought to have sent at least two, if not three, of your best men back with her, Captain, or else have waited until I got here—you should have known that I was coming for her," he added sorrowfully, and once more his countenance assumed a mournful expression.

It made him sore to think that he should have made the trip all the way from Portland only to learn that Mrs. Watson had passed him while en route, and might even now be in the "Rose City," providing she had not been rescued from the law's clutches by a desperate gang of land frauders, headed by the notorious Puter and McKinley.

Several days after Colonel Greene returned to Portland, the question of his whereabouts became a topic of serious consideration around the United States Marshal's office. He had been traced to Chicago, and the dispatch from that point was very emphatic in the declaration that he had left there on the very evening of his arrival, presumably for the Oregon metropolis. This was a week ago, but no Col. Greene had put in an appearance. Could anything have happened to him? was the question of the hour. Some were inclined to believe that either Puter or McKinley—and perhaps both—were responsible for his absence, while others were unkind enough to hint that he might have been kidnapped by Marie Ware, and it was even suggested that the Government should put sleuths or bloodhounds on his trail, with a view of ascertaining the facts.

The truth came out at last, when one of his intimates gave the whole snap away. The Colonel felt so sore on account of having had his labor for his pains, that when he got back to Portland he was afraid to face the music, and had virtually crawled into a hole and pulled the hole in after him. In other words, he had sought the seclusion granted by his private apartments, and was not at home to anybody until after the affair blew over.

After my interview with Mrs. Watson at the Imperial Hotel, I concluded to call on my attorney, Mr. Mays, but hesitated in doing so, as I knew that he would hold me responsible for her capture and blame me accordingly in the absence of any knowledge of conditions. With this thought in mind, and being in no humor to invite his displeasure and consequent reprimand, I remained away from his office until the second day after my return, and felt greatly relieved, when I did call, to learn that he had just stepped out. Shortly afterwards, however, I called again, this time to find him engaged in conversation with a client, and apparently too busy to confer with me, which situation, I was pleased to observe, required that I should retire and see him upon a more propitious occasion. I had remained long enough to break the ice, and that was all I could expect under the circumstances.

The next morning I found him alone and apparently waiting to see me, so putting on a bold front in the consciousness of being blameless so far as Mrs. Watson's capture was concerned, I seated myself with perfect indifference to fate, and was prepared to face the music.

It came soon enough, for I was hardly comfortably settled in one of his big easy chairs before he had whirled around from his desk and fixed his eyes steadfastly upon me, as if endeavoring to subdue me with his majestic glance. "How did you come to make such a botch of that job?" was his first question, after a moment or two of this sort of bluff.

"Botch nothing," was my reply, meeting his stony stare with equal impertinence. "I did the best I possibly could under the circumstances, and probably as well as anybody else could have done, all things considered."

"Yes, you did fine!" was his cynical rejoinder.

"Well, what do you know about it?" I asked, defiantly.

"Know about it? Why, I know everything!" he replied.

"You know nothing—absolutely nothing!" I responded, with considerable warmth. "You have probably been reading the newspaper reports, or else lending your ear to the tale of some jackass who knows as little as yourself concerning the facts."

Noting at this phase of our conversation that Mays was wavering, and seeing my opening, I went on to state that only the Chicago detectives, Mrs. Watson and myself knew anything about the circumstances attending her arrest, and further, that not a living soul, outside of Mrs. Watson and I, were familiar with conditions leading thereto.

"I know that Mrs. Watson has not mentioned the subject to you, and also, as you must admit, that I have not yet been given an opportunity to make any explanations," I continued, "consequently you are entirely in the dark."

My remarks seemed to exercise a quieting effect upon my worthy antagonist, and seeking to take advantage of the situation, I related the whole story in detail: how I had been trailed from the time of my arrival in Chicago until the very moment that Mrs. Watson's hiding-place had been discovered. I also related, to the most minute particular, how I had managed to elude the officers, and of the preparations I had made for her escape. I admitted, however, that I might have displayed even greater precaution had I been properly advised that conditions demanded it; but that, inasmuch as I was laboring under the impression that indictments could only be returned against us in the 24-1 case, and knowing, as I did, that the Government had no ground to stand on in that proceeding, I could not perceive, either before or at the time of Mrs. Watson's arrest, wherein her capture made any material difference so far as our standing in court was concerned.

"But now," said I, "since my return to Portland I have ascertained that we have been indicted in the 11-7 case, and right here is where we shall find ourselves up against the real thing. You told me, Mays, before I started for Chicago, that the statute of limitations would bar our prosecution in the 11-7 case, and on the strength of your assumptions I felt that there was nothing to fear; but now, as soon as I get back here, I learn that we have been indicted by the Federal Grand Jury on this very case, and you mark my words, Mr. Mays—we are up against it."

Chapter X

Heney's coup in substituting the 11-7 case for that of the 24-1 throws consternation in the ranks of the defendants, and upsets Mays' arrangements with United States Attorney Hall to have Heney beaten in the weaker case, so as to open the doors for the dismissal of the other—Marie Ware meets an interesting mining man, who is assiduous in his attentions, and almost wins her tender young heart, but he proves to be Douglas W. Doyle, of the Government Secret Service, and the astounding discovery causes the wedding bells to go on a strike—Colonel Greene shows to disadvantage as a sleuth—Details of the final preparations for the great 11-7 battle.

MAYS was free to admit that the 11-7 case was a dangerous proposition, but insisted that there was nothing to fear, as the statute of limitations had barred all criminal proceedings, and that he would experience little difficulty in quashing the indictment on demurrer. I was at a loss to comprehend why an indictment should have been returned against us in the 11-7 case, unless the prosecution hoped to secure convictions under it and felt sanguine of its validity; but as Mays was so positive that it was fatally defective, he inoculated me with some of his confidence, and I gradually came to believe the cases would ultimately be thrown out of court.

What I most feared in the 11-7 case was that by reason of the fact of ten persons being involved, it was not unlikely that one or more of them might be induced to make a confession, and by standing in with the Government, would secure immunity from punishment in order to save their own scalps. If, however, the status of the case was as Mays predicted, there could be no serious cause for alarm.

Personally, I had no fear whatever as to the outcome of the 24-1 case, as the six entrymen who were supposed to have taken up the claims were purely fictitious; that no one outside of Marie Ware, McKinley and myself were aware of this fact, and as it would be impossible for the Government to produce the original claimants to the land, it was a foregone conclusion that no basis of conspiracy could be established.

In the course of our conference Mays called my attention to a current report that William J. Burns, recognized generally as one of the shrewdest detectives in the employ of Uncle Sam, was engaged in searching for evidence against us, and that he was assisted by a large staff of Government Secret Service men, all of whom were experts in their line, and pointed out the necessity of seeing Marie Ware and Horace G. McKinley at once and cautioning them against being interviewed by anybody, particularly with reference to the 24-1 case.

He then instructed me to be in readiness for trial, as the case would undoubtedly proceed at the May term of Court, at which time I would be expected to have my witnesses present.

In addition to Judge Martin L. Pipes, of Portland, I had employed my brother, Lawrence F. Puter, of Eureka, Cal., to represent me at the trial. Mays was also to remain in the case, but in the capacity of silent counsel, as he deemed it unwise to appear openly in my behalf on account of his complicity in the frauds with which I was connected. He preferred to remain in the background, and pin his faith to the hold he had on United States Attorney John H. Hall, the idea being to try us on the 24-1 case, where Heney was certain to meet with defeat, thus discouraging the Government in relation to the other

Prof. F. J. Toland, the celebrated handwriting expert, whom the defendants in the 11-7 case brought out from the East to combat the Government experts

prosecutions, so that it would be an easy matter for Hall to ask for the dismissal of the 11-7 case when it came up. He was also to aid us by hunting up points of law for use in the effort to attack the indictment on demurrer in the 11-7 case.

Miss Ware was represented by Charles A. Hardy and A. C. Woodcock, of Eugene, Oregon, while Horace G. McKinley enlisted the services of Judge Thomas O'Day, of Portland.

Mrs. Emma L. Watson, although one of the defendants, refused absolutely to employ counsel, contending that she was an innocent party, and having nothing to fear, did not propose to squander a penny, as she put it, in attempting to make a defense. If it should develop that she required the services of an attorney, she declared that it was no more than right that Mays and myself should foot the bill, as between us we were entirely responsible for the predicament in which she was placed.

We now found ourselves with only a few weeks' time in which to prepare for the trial of the 24-1 case, as it had been set for May 20, 1904, and believing that the Government's main reliance would be circumstantial evidence in the shape of the testimony of handwriting experts that we had forged the signatures to the title papers in the six claims, we sought to establish a complete defense by the employment of experts to combat this testimony, in much the same manner that a disastrous conflagration is often averted by starting a back fire.

With this object in view, and knowing our innocence so far as forgery was concerned, we spared neither time nor money in our efforts to secure a handwriting expert who possessed not only unusual ability but was also endowed with a high reputation for honesty and integrity. The expenditure of money at this stage of the game meant nothing to us. New York, Chicago, and other cities offered experts, but they did not appeal to us. Daniel T. Ames, of the Cadet Whitaker case, the Fair will case, and numerous cases of national importance, was suggested, but was not secured. Finally, upon the recommendation of a member of Congress, and a high official of the Chicago, Milwaukee & St. Paul Railway Company, both of whom had employed him in different capacities, we secured the services of F. J. Toland, of La Crosse, Wis., a man of national reputation as a penman, and who, while refusing retaining fees in many important cases, had never failed to secure a verdict in favor of his clients.

Mr. Toland's commercial standing—owning at that time a chain of business schools extending through Illinois, Wisconsin and Minnesota, to which he has since added South Dakota and Nebraska—besides his strict veracity and the weight which his clear and logical demonstration carries not only with a jury but with all who have seen and heard him, gave us every reason to congratulate ourselves on the slight difficulty we would experience in overcoming the testimony offered by the so-called experts whom the Government had enlisted through United States Attorney Hall, and who afterwards demonstrated their absolute ignorance of the first principles of expert testimony, their evidence in this respect being considered so notoriously incompetent that it was practically ignored under orders of the Court.

It was at this stage of the game where the wonderful legal sagacity of Francis J. Heney was first made apparent. It has since transpired that Heney suspected Hall from the very moment he had a chance to diagnose the two cases, and uncovered the United States Attorney's miserable subterfuge in playing up the 24-1 case for trial, knowing full well that it was the weaker of the two, and that there was no possible chance for conviction. Heney recognized Hall's duplicity right away, and discerned in his raw work an attempt to have him beaten in the 24-1 case and either wear out the Government so that he could dismiss the 11-7 case without arousing suspicion, or else try it alone, and cover himself with glory at Heney's expense by convicting us. He probably reasoned that Heney would be called off after losing the initial battle, after the fashion of a disgraced general in warfare, and the fine Italian hand of F. P. Mays would thus become uppermost, and suppress all further land fraud investigation in Oregon. Even after our conviction by Hall independent of Heney, what was to prevent us from submitting to a light fine, as was done in the Cunningham case preceding, or else allow the whole thing to gradually go by the board and resolve itself into a seven-days' wonder?

In the Cunningham case alluded to, the defendant, C. W. Cunningham, a wealthy stockraiser of Umatilla county, Oregon, had induced a number of his employes to file homestead entries on a large tract of vacant Government land which was already inclosed in Cunningham's vast sheep pasture. All involved were charged with conspiracy to defraud the Government of its public lands under Section 5440 of the United States Revised Statutes, and upon the day set for trial, while all the witnesses were on hand ready for the case to proceed, much to everybody's surprise, Cunningham personally withdrew his plea of not guilty and substituted therefor a plea of guilty, and a fine of $5,000 was imposed. He had taken this action without the knowledge of his associates, and with a single exception, the latter lost no time in following his example, a fine of $200 being imposed in their cases, which Cunningham agreed to pay. Upon his subsequent refusal to do so, the Court imposed the cost penalty upon him. No jail sentence was given in any instance, and it was the general impression that Cunningham's political prominence had much to do with United States Attorney Hall's recommendations in his case, and not by reason of any mitigating circumstances.

However, Heney not only secured the substitution of the 11-7 case for that of the 24-1, but succeeded in having the cases postponed until Fall, so that after the demurrers were overruled by United States District Judge Bellinger on October 21st, 1904, the 11-7 case was placed on the calendar for trial a month later.

McKinley and I arrived in Portland shortly before November 21, the date set for trial, and were greatly surprised when we ascertained the new phase of the situation, and that we were to be tried under the 11-7 indictment instead of that covering the 24-1 offense. We were sorely disappointed because we had made all arrangements for going to trial on the latter case, whereas, on account of the limited time, we were in no position to prepare a satisfactory defense in the 11-7 case.

However, we lost no time in making the best of a bad bargain, and I personally rounded up as many of the original ten entrymen in the township as I could find, and succeeded in holding conferences with Marie Ware, Thomas R. Wilson, Frank H. Walgamot, and Mrs. Watson. The others had either left the country or were beyond our control.

When I talked with Mrs. Watson, she assured me that she had not been approached by anyone during the summer months, so I knew that so far as she was concerned the Government sleuths had obtained nothing. I also advised her of the Government's change of front in switching from the 24-1 case to that of the 11-7, in which she was indicted jointly with Marie Ware, Horace G. McKinley, Dan W. Tarpley and myself, together with some of the other entrymen, and told her that although she had located the claim under the name of Emma Porter, and an indictment had been returned against her for conspiracy, I was informed by my attorney, Mr. Mays, that there was no possible chance of conviction on account of the intervention of the statute of limitation. She was likewise admonished by me to stand pat and decline to be interviewed, all of which she agreed to.

Calling upon Marie Ware, I was somewhat annoyed to ascertain that she had been hounded by Secret Service men all through the summer, and that in the course of a visit with friends at Spokane, Wash., she became acquainted with a dashy sort of a fellow who represented himself as a mining man, and who had paid her devoted attention during her stay there.

"I suspected from the first that all was not right," declared Miss Ware in describing her experiences, "as he spared no expense in my entertainment, taking me to theatres and other places of amusement as often as the opportunity presented itself, and never failing, upon these occasions to invite me to indulge in some sumptuous repast afterwards, which I always accepted, as the dinners to which he treated me were of the swellest character. Nothing, in fact, was too good for me, and it afforded me a great deal of pleasure to 'blow' him, as I did not care particularly for him, and was indifferent how much money he might squander on me.

"After remaining in Spokane about a month, I returned to my home at Eugene, Oregon, and had only been back a few days when I was much surprised to receive a call from my new-found friend. He was aware, of course, of my intended departure, but gave me no intimation that he would follow me home. He lost no time in stating that he desired to see me in regard to an important matter, and requested that I join him that evening at the hotel, where we could enjoy a nice dinner together.

"I became convinced then that something was up, but just what the nature of his mission was I could not clearly fathom, although I surmised that he was connected in some way with the Government Secret Service, and was endeavoring to cultivate me with a view of securing a confession of some sort that could be used against us at the approaching trials. At all events, I had perfect confidence in my ability to withstand his inquisitions, hence did not feel the least bit of hesitancy in continuing the round of pleasure he was affording me."

"So you called at the hotel to see him, then?" I inquired.

"Certainly not!" responded Marie with some dignity. "I guess I have lucid intervals. I simply replied, acknowledging receipt of his message, and stated that I would be pleased to dine with him at the hotel, but that it would be necessary for him to call for me at my home. This he did, and that evening, after dinner, I entertained the gentleman by showing him some of the local points of interest, after which he accompanied me to my residence, where he left me and returned to his hotel, without making any mention whatever of the 'important matter' he wished to see me about. As I did not deem it wise to broach the subject, I was forced to remain in ignorance temporarily of his intentions.

"When he called the next day, in response to my permission to do so, he had not been with me long before matters assumed a very serous aspect. After reviewing our short acquaintance, which he declared had constituted the very salad of his existence, he went on to explain how his feeling for me had ripened into a perfect torrent of love, and that life without me would become as bleak and dreary to him as the desert of Sahara. It was really pathetic, this story of unrequited affection, and I was deeply touched because of his ardent revelations.

"He then went on to explain about his big mining deals: how he represented some of the greatest financiers of the country in the purchase of mining properties, and which position enabled him to secure holdings of great personal value in his own name. He also told me of deals which he expected to consummate in the near future, after which he would probably be called upon to make a flying trip to Australia.

"'How delightfully sublime it would be,' he continued in the rapture of his passionate outburst, 'if you could only accompany me,' and then, as an evidence of good faith, he continued: 'If you will go, your every desire in life will be guaranteed!' and he became so enthusiastic at this point that I experienced great difficulty in keeping him within bounds.

"I endeavored to reason that it was all so sudden; that I had never thought of such a thing, and that he must give me time to think the matter over.

"'Now, Miss Ware—my darling Marie!' he continued in his ecstacy, 'if you will consent to my plan, I will, before our departure—even now, if you insist upon it, transfer one of the mines over to you which I contemplate purchasing. There is one,' he continued, 'which I have fully decided to buy, but do not wish to be known personally in the transaction, and if you so desire I shall have it deeded direct to you.'

"I assured him that it was a generous act on his part, and that I appreciated his kindness very much. As to going with him to Australia, however, I insisted that he should give me more time in which to consider the proposition.

"After this modern knight errant had taken his departure, I experienced great difficulty in bringing myself to a realization that I had not been dreaming. My heart was all a-flutter, to put it mildly, and it is simply impossible for me to describe my emotions. I was thoroughly convinced that he was endeavoring to ensnare me in some kind of a trap, the nature of which was beyond my comprehension. He was to call again that evening, however, so all I could do was await developments. In the meantime I commenced to make preparations for a trip to Hot Springs, on the Santiam, which I had had in mind since my return from Spokane.

"When he called again that evening, I referred to my contemplated visit to Hot Springs, and he asked permission to accompany me there. This I declined to grant, stating that I did not consider it at all proper. He insisted very urgently, but still I refused to give my consent. After remaining the greater portion of the evening, he informed me that he would probably go on to Portland, and would expect to hear from me with extreme regularity, gaining a promise from me that I would write as often as possible.

"I had been at the Hot Springs but two days when my new flame put in an appearance. 'Just couldn't bear the thought of remaining away from you,' was the excuse he gave. 'Besides,' he continued, 'the mining deal concerning which we talked, will be in readiness for consummation by the time we can reach Portland, and I want you to go there with me.'

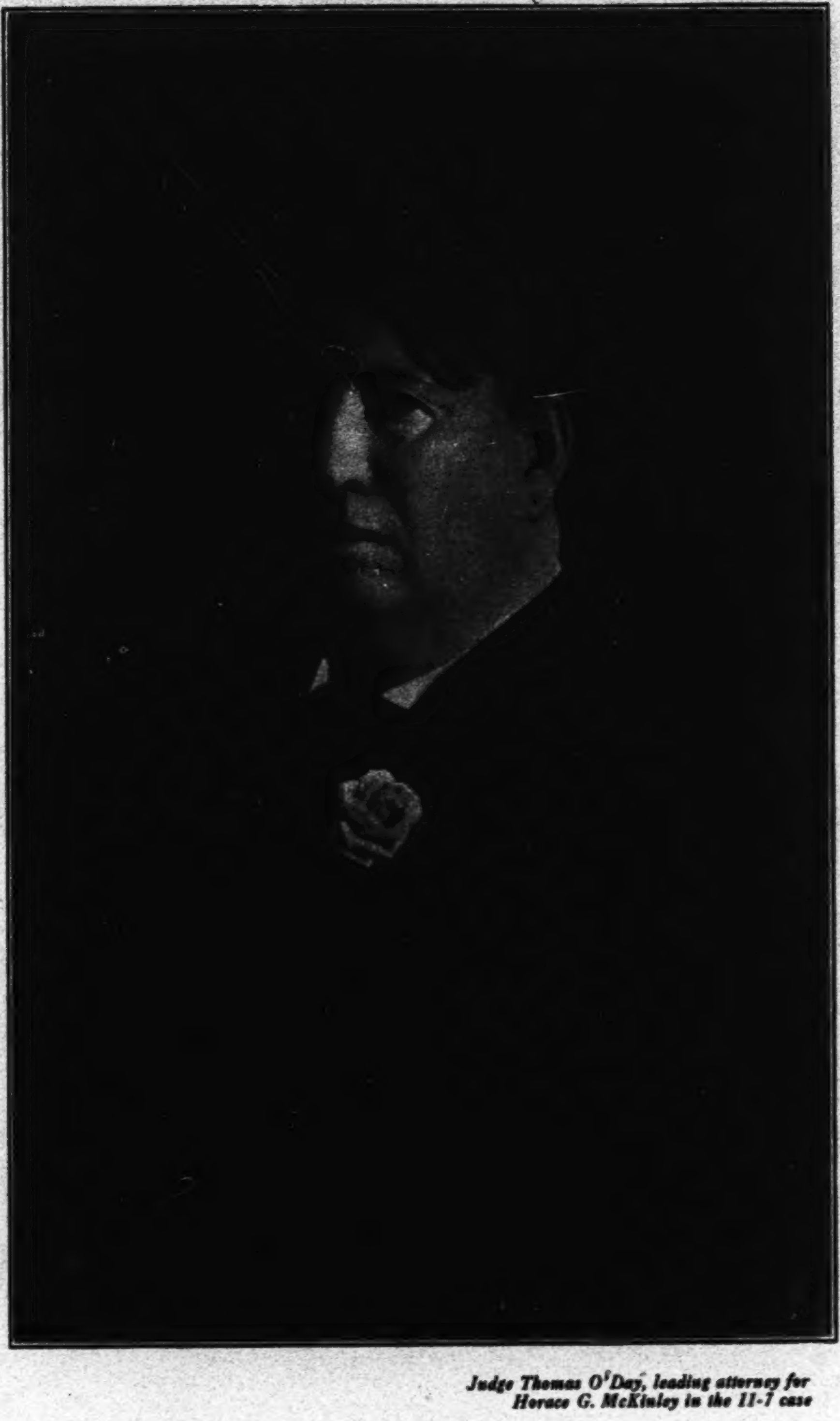
"I insisted that it would be necessary for me to return home before making the trip, but would meet him in Portland at a given time, and under that arrangement we parted company.

"When I arrived in Portland, I stopped at the Oxford Hotel, on Sixth street, and the day following my friend came there also and engaged a room. I did not quite fancy the idea of his putting up at the same place with me, but what could I do under the circumstances?

"From that time on it was another continuous round of pleasure, and not to be in the slightest degree selfish in the matter, I invited my sister to share my enjoyment. In fact, I 'worked' him to the queen's taste, to put it mildly, and it would probably stagger the imagination to know how much money he squandered with his lavish attentions. We had moonlight auto rides galore and the whole world seemed to be a sphere of everlasting happiness. We attended the theatre every evening, and invariably wound up with an elaborate spread at some swell cafe, until I began to think that I must have been 'a-dreamin' sure enough.

"About the fourth or fifth day—I say 'about' advisedly, because I took no account of the flight of time—my mining friend came to me one afternoon and after handing me a document, announced that it only required my signature to make me the proud possessor of one of the most valuable mining properties in the United States. Gee! but wasn't I on pins and needles! I could hardly restrain myself, and when he stated that in order to have everything regular it would be necessary for me to accompany him to a certain bank, where he would pay over the balance due on the option of purchase, and where my signature could be witnessed, I readily gave my consent, as I had made a careful examination of the document in the meanwhile, and could find nothing objectionable therein.

We then started for the bank, but somehow or other I became suspicious that all was not right, and determined to make sure of my position before signing any papers. So I stopped my friend on the street and told him that, while I had every confidence in his integrity, I considered it advisable to consult with my attorney, Judge Thomas O'Day, before taking further action. He demurred to this proposition and assumed a highly indignant attitude, declaring that he did not wish to acquaint outsiders with the nature of our relations, and insisting that everything was perfectly straight.



Judge Thomas O'Day, leading attorney for Horace G. McKinley in the 11-7 case

"'No,' said I, 'we must show this to Judge O'Day, otherwise I shall decline to attach my signature.' With this he snatched the paper from my hand in the rudest kind of a manner, turned on his heel, and that is the last I have ever seen of him."

As Miss Ware had made no mention of the gentleman's name up to this time, I asked her to enlighten me on the subject, in order that I might seek to establish his identity. This she hesitated to do for fear that publicity might be brought upon her in case the affair should get to the attention of the newspapers in any way. She insisted that he had treated her with uniform courtesy throughout their brief acquaintance, and outside of his proposal for her to accompany him to Australia, his conduct had been surrounded with the utmost propriety. Even the proposed trip to Australia, she said, was within the bounds of dignity, as she understood him to mean that they should become man and wife before making the start, but the general public might not condescend to look at it in that light. "My actions throughout," continued Marie, "were strictly proper, although I confess that I was not altogether prudent at times."

Upon my assurance that I would not permit the matter to obtain publicity—for the time being, at least—she finally consented to give me the name of her quondam friend by stating that it was Douglas W. Doyle. I proceeded at once to make inquiry concerning Mr. Doyle, but could make little headway, as nobody appeared to know him. A few days later Miss Ware called me up by 'phone and asked me if I had ascertained anything about him. In reply to my negative response, she stated that she had, and requested me to call immediately, which I did.

From an authentic source, she had learned that Doyle was in the Government Secret Service, and that Uncle Sam had footed all the bills for her lavish entertainment, which had been instigated by William J. Burns, who had set Doyle after her with a view of captivating her and using this influence as a key to unlock the secrets in her possession. Aside from this information. she was unable to tell me anything further, so I concluded to take up the chase on my own account. After locating my man, I trailed him for some time personally, later employing a private detective to do the work for me.

Investigation resulted in our becoming familiar with his habits, and it was not long before he had made some new and very genial acquaintances. Heretofore he had played the part of an entertainer. Now he was being entertained to a finish, and so aptly had the trap been laid, and the bait so enticingly prepared, that he soon fell prey to the winning smiles that were showered upon him in such lavish profusion. There was nothing too rich for his blood, and we plied him with bubble water until further orders, with the result that in the heat of one of his most frenzied debauches he gave the whole snap away—told us everything relative to his affair with Marie excepting the wind-up, and we were already posted about it. He was too vain and conceited to admit defeat at the hands of a clever woman, notwithstanding the old adage of "in vino veritas;" but in every other respect he canvassed the situation with the highest degree of accuracy.

As a fitting climax to this most remarkable piece of work, he declared that he was still possessed of the document, which, after being signed by her, he intended to convert into damaging evidence. In other words, he explained that the papers purporting to be a transfer of mining property had been prepared in such a manner that the last page contained no writing whatsoever with the exception of the notarial acknowledgment, and it was his intention to attach this to a typewritten confession, which he would prepare at his leisure.

We were all astounded at the man's revelations, but pretended to be highly entertained by the portrayal, evincing no concern beyond a desire to accord him unlimited praise for his display of ingenuity. After a few more bottles, Mr. Doyle reached a stage of innocuous desuetude, and his entertainers gradually faded away, leaving him as one "who treads alone some banquet hall deserted," covered with glory and stray champagne corks that had seen better days.

The next day I called upon Miss Ware and acquainted her with the result of my investigations. She evinced little surprise, remarking that Doyle's story simply confirmed her first impressions of the man, and it was obvious to me, judging from the correctness of her diagnosis of his case, that a woman's intuition is an element that must always be reckoned with.

We were considerably surprised to learn later, as were also those familiar with Doyle's meteoric career, that he was unceremoniously relieved from duty—or "bounced," to use a rough expression—at the request of his superior officer. It was really too bad that a person of his brilliant attainments should meet such a discouraging reward, but of such is the kingdom of fate, and it is a notorious fact that republics are ungrateful!

No sooner had the Doyle episode become a closed incident, than Miss Ware became the center of attraction for the entire Secret Service Department of the Government. She received numerous visits from strange men who had suddenly developed a quickening of the pulse over her manifold charms, among the number being George Burns, son of the man who has become famous the world over for his sleuthful tactics. Young Burns played the devoted lover act for all it was worth, and then retired, after a week's effort, a sadder, if not a wiser, man, having signally failed in his attempts to secure anything like a confession from Marie.

His father, William J. Burns, then assumed personal charge of the case, and to him may be given the credit of securing an admission from Miss Ware that frauds had been perpetrated. She offered to make a complete confession upon conditions which made it impossible for Burns to accept. She agreed to reveal to him every detail connected with the fraudulent transactions, of which she had personal knowledge, provided, however, that he should give her a written stipulation from Judge Bellinger that immunity from punishment should be granted to Horace G. McKinley, with whom she had long been in love, and whom she expected to marry as soon as he could obtain a divorce from his wife. Although a personal friend of mine, she demanded no reservation in my behalf. but she insisted to the last that McKinley should not be prosecuted. Mr. Burns, of course, declined to entertain Miss Ware's proposition, as he was after both McKinley and myself, and his heart was set on convicting us both, which Heney succeeded in doing, notwithstanding Marie's refusal to make a confession.

After my interview with her I telephoned for Dan W. Tarpley to come down from Salem for the purpose of conferring with me relative to the situation, he being one of our chief lieutenants. In discussing the matter with "Lookout Dan," as we called him, I received information that William J. Burns had a regular army of Secret Service men in the field, and that he had personally directed the investigations that had been made during the summer months, and which were still being conducted at that time.

Tarpley likewise told me that Burns had brought out civil engineers from the General Land Office at Washington, D. C., who had surveyed each quarter section of land involved in the frauds in Township 11-7, and who had also taken various photographs of the topography of each claim, in order to show the utter impossibility of any portion of them ever having been cultivated, as set forth in the different final proofs. This information Tarpley gained from confederates at Detroit, Ore., the nearest town to the 11-7 claims.

He also learned that Burns' men had been "sweating" Robert B. Montague, deputy county clerk of Linn county, Ore., before whom six of the ten entrymen had filed and made final proof, and in addition had interviewed Dr. Frank H. Walgamot, of Portland, and Thomas R. Wilson, of Salem, both of whom were 11-7 entrymen. Tarpley stated that he was in no position to give me the result of these interviews, and advised me to call on the gentlemen named and learn the facts from them.

Meeting Wilson in Portland shortly afterwards, he proceeded to relate his experiences with Government agents. My acquaintance with Wilson began

Mammaloose Island in the Columbia River, on the boundary between Oregon and Washington. Used by Indians of Northwest as burial ground

while he was newsboy on the Southern Pacific railroad, running from Portland, Ore., to Dunsmuir, Cal. At the time of his interview with Colonel A. R. Greene, Special Inspector, Department of the Interior, Wilson was chief clerk in the office of the Warden of the State penitentiary at Salem.

Wilson told me that he had become cognizant of the fact that Greene was looking for him through conductors and brakemen with whom he was formerly employed, and his first impulse was to leave the country, as he fancied an indictment had been returned against him for his participation in the 11-7 frauds. On second thought, however, he resolved to stay and face the music, as he was holding a good position, and moreover had concluded that the case would not amount to much.

In a few days Warden James called at his room and informed him that a man named Greene wished to see him down in the office. The feelings of Wilson can better be imagined than described when he received this startling intelligence, as all the courage he had been storing up for the occasion seemed to have deserted him in a hurry. In desperation he seized a flask of whisky near at hand and partook copiously of its contents, and thus braced up, he followed the Warden downstairs and was ushered into the presence of Colonel Greene.

The latter focussed his eagle eye upon the young man, and then began his inquisition, while a stenographer proceeded to take down the questions and answers.

"What is your true name?" inquired the Government inspector.

"Thomas R. Wilson," came the ready response.

"Have you ever worked for the Southern Pacific railroad?" continued the Colonel.

"I have," softly murmured Wilson.

"Did you ever locate a homestead claim in Township 11 S., Range 7 E., Willamette Meridian?" the Inspector went on, in monosyllable tones.

"No sir, I never did," came the innocent response.

"Are you acquainted with that township, or do you know any person who has ever filed a claim therein?" "No, sir."

"That's very strange," mused the Colonel, thoughtfully. "I notice that you are lame, and such a person has been described to me as the one who took up a claim in 11-7 under the name of Joseph Wilson."

"Can't help that," replied Wilson; "it must be some mistake."

Greene then asked him to write his full name, which he did in his natural hand, as also the name of Thomas Wilkins. The Government officer thereupon handed Wilson some documents bearing the signatures of "Joseph Wilson" and "Thomas Wilkins," both of which Wilson recognized immediately as having been written by himself. While still holding the original documents in his hand, he was asked if he did not think they were written by one and the same person. After examining the signatures closely, as if to convey the impression that he was desirous of passing judgment upon them from the standpoint of a handwriting expert, Wilson raised his head, and without batting an eye, replied:

"Most undoubtedly, they were written by the same person!"

The Inspector next requested him to write some other names, besides a few capital letters, so taking the prison register from the desk, he did as desired in his natural hand.

In telling me about it, Wilson declared that the statement he had made to Col. Greene that the names of Joseph Wilson and Thomas Wilkins were written by the same person, was the only truth he expressed in the course of the whole interview, because he was well aware of the fact that both signatures had been written by himself.

"The interview," continued Wilson, "lasted fully an hour, and was concluded by Col. Greene handing me the typewritten transcript of my testimony from the stenographer's notes, which he asked me to read, and if found to be correct, to attach my signature thereto. This I did in my natural hand.

"Returning to my room, I felt greatly relieved to think that the ordeal was over, though sore at heart, and with anything but a guiltless conscience. The very thought of having to sit there all that time, in the presence of the Warden, a man for whom I entertain the highest regard, and whom I believe has unbounded confidence in me, and to make those false answers to Greene's questions, was more than I could stand. It was a frightful experience, and completely shattered my nerves and unfitted me for business; so I took another swig at the bottle, which filled me with a sort of 'Dutch courage,' and called down stairs to the Warden, complaining of not feeling well, and requested permission to be relieved from duty for the balance of the afternoon, to which Warden James assented.

"Some days later Col. Greene called upon me again, this time to inform me that he had had an interview with Frank H. Walgamot, of Portland, one of the entrymen in Township 11-7, who claimed to be acquainted with me, and it was desired that I should accompany Col. Greene to Portland in the effort to establish any identity that might exist. I realized right off that Walgamot would recognize in me the person who located one of the claims, but I had no other alternative than to pretend to be exceedingly glad of an opportunity for straightening the matter out, and consented to go with him to Portland.

"While waiting for the train at the Salem depot, I managed to communicate with 'Lookout Dan' over the 'phone in Portland, apprising him of my predicament. Tarpley advised me not to worry, as he would see Walgamot before we could get there and coach him how to act.

"Upon our arrival, we proceeded to Walgamot's dental parlors, and after waiting in the reception room a short time, the Doctor came in, and was immediately asked by Col. Greene if he had ever seen me before. Walgamot scanned me closely and then unhesitatingly replied in the negative.

"'Then,' said Col. Greene, 'this is not the Joseph Wilson who took up a homestead claim with you in 11-7?' "'Decidedly not!' was Walgamot's answer.

"The dentist then pretended to evince curiosity, as if greatly surprised at the resemblance, and remarked that it was a very strange coincidence; that the Wilson he knew was about my size and complexion, was maimed, like myself, and in the same limb, too, and that we walked alike and resembled each other in every respect with the exception of our facial expressions.

"There was no doubt about that, because I looked more like a ghost than a human being while all this torture was in progress. At all events, it seemed to settle the question in the mind of Col. Greene, so he thanked me very profusely for my trouble in coming with him, and expressed the hope that I had not been greatly inconvenienced. At that I assumed fresh courage, and assured him with a patronizing air that I was only too glad of an opportunity for aiding him in clearing up the apparent 'mystery,' whereupon we parted company."

After relating his story to me, Wilson volunteered the information that I had nothing to fear so far as he was concerned. He seemed to feel great confidence in himself because of his ability to throw Col. Greene off the scent, and his estimate of the latter as a detective was not of a flattering character. Wilson often referred to the Inspector as a "mummy," and expressed the opinion that if the entire Secret Service Department of the Government were all like him, there would be nothing to fear.

Meeting "Lookout Dan" again, I complimented him upon the highly satisfactory manner in which he had handled the matter. Tarpley did not consider that much credit should attach to himself, declaring that Walgamot was only too glad of a chance to protect Wilson, and incidentally deceive Col. Greene. He claimed that Wilson's promptness in 'phoning to him from Salem was what saved the day, although Walgamot had exercised masterful diplomacy by his answers to the Inspector's inquiries.

The subject of William J. Burns then came up for discussion between Tarpley and myself, "Lookout Dan" urging that I seek an interview with the famous Government sleuth; in short, "beard the lion in his den—the Douglas in his hall." While I was not particularly infatuated with this idea, still it appealed to me as a wise suggestion, and I decided to adopt it.

Finding Burns, though, was like looking for a needle in a haystack, and I realized before many days that he was about the hardest man to trail I had ever encountered. True, upon several occasions I caught glimpses of his coat-tails disappearing around corners, but that was the nearest approach I ever came to meeting him face to face.

"Lookout Dan" thought it would do no harm, even if it could do no good, to cultivate Burns with a view of feeling his pulse, but I was not in the same class with him as a sprinter, and whatever acquaintance we made was after my conviction.

As the date for the trial approached, McKinley, Tarpley and myself held a council of war with the object of canvassing the situation. We came to the conclusion that everything possible had been done in the way of preparation for our defense, as we had surveyors on the ground as witnesses who had previously made an examination of the township, and who were in a position to testify that the character of the land was such as to preclude anyone from making a statement that the improvements we had vouched for did not exist, as the township was so densely covered with underbrush and timber that it would be an utter impossibility to notice a cabin within a hundred feet of the line.

We also had witnesses who had been in the employ of the Government's engineers and photographers at the time they had investigated the status of the claims in 11-7, and they were prepared to testify that the Government surveyors had seldom, if ever, deviated from the section lines, consequently a cabin could have been within a stone's throw of them without their seeing it.

We knew, as a matter of fact, that homesteaders rarely placed their improvements in close proximity to any section line, for the simple reason that by doing so they would attract the attention of anyone seeking a chance to inaugurate a contest, especially if, as was generally the case, the improvements did not meet the requirements of the homestead law. As a matter of fact, homesteaders in a community are naturally clannish, and stand together in the matter of proof, so that one will be witness for the other in proving up, and vice versa.

We had also arranged to have witnesses on hand from Detroit, Ore., the nearest point of civilization to township 11-7, who were willing to testify that they had seen the entrymen going to and fro at various times, and in addition to all this, we depended a great deal upon Special Agent C. E. Loomis, of the General Land Office, and Captain S. B. Ormsby, Superintendent of the Cascade Forest Reserve, both of whom had been appointed by the Government to investigate the validity of our claims in 11-7, and who had been well paid by us long before to make favorable reports thereon. We figured that because of having made these garbled reports, they would necessarily have to stand by us for their own protection as well as ours, but in this we reckoned without our host again, as Heney and Burns not only forced confessions out of them, but the Federal Grand Jury of Oregon has since indicted them for this and other offenses, and both officials lost their jobs besides.

With all our witnesses on hand, about 24 in number, including Professor F. J. Toland, the distinguished handwriting expert, we concluded that our preparation for the great legal battle had been carefully planned, and because of our fortified position, we anticipated nothing but victory.

*A Monarch of the sugar
pine forest*

Chapter XI

Trial of the famous "11-7" case ends in speedy conviction after a series of sensational developments—Puter charges that himself and associates were to be sacrificed as a burnt offering in atonement for the sins of those "higher up"—incidentally, the land fraud king pays his respects to John H. Hall, and shows how the efforts of the ousted United States Attorney to hide Heney's light under a bushel met with disastrous consequences—Binger Hermann's fickle memory proves a factor at the trial, but fails to save the defendants—Telegraphic correspondence between Heney and Mitchell indicates the powerful pressure brought by the Government to secure the Senator's attendance as a witness—Special Agent Loomis and Forest Superintendent Ormsby shine as pastmasters in the art of making misleading reports.

EVENTS antedating the trial and conviction of myself and associates in the 11-7 case, and incident thereto, will, if carefully analyzed, reveal the contemptible political conspiracy to make us the scapegoats for the accumulated misdeeds of all those who had in any way been implicated in Oregon land frauds, and will show that the ringleader of the scheme was none other than John H. Hall, at that time the United States Attorney for Oregon, but afterwards ousted from office by President Roosevelt on account of his questionable connections.

I am not seeking to vindicate myself by these assertions, or presenting them as any excuse why I ought to have been absolved from receiving my just deserts, but I wish to lay particular stress upon the well-accepted fact that those "higher up" were eager to crucify the 11-7 gang upon any kind of legal cross in the hope that the sacrificial offering would atone for the stains of their own sins, and that Hall was to be the high priest at the ceremony.

With the ink still undried upon his commission as a public servant, and the sacred echoes of his oath of office still ringing in his ears, he was to be the consciencéless medium through which his corrupt political allies hoped to secure immunity from punishment by making us their burnt offering. They were deeper in the mud than we were in the mire, and nobody knew this half so well as John H. Hall; yet he stood ready to prostitute his official position in the manner described, and expected, by making a horrible example of us, to pull the wool over the eyes of the law-abiding element, and soothe the public with the idea that Justice was satisfied!

Abraham Lincoln once gave voice to some expressions that have since become symbolic, and in a measure are applicable in this instance. In the course of one of his most famous addresses, the martyred President said:

"You can fool some of the people all the time; you can fool all the people some of the time; but you can't fool all the people all the time!"

Francis J. Heney was one that they didn't fool. He suspected the United States Attorney for Oregon from the moment it dawned upon him that the latter had attempted to switch the weaker case of the two up for trial, and it is an open secret that the Government kept tab on every move that Hall subsequently made, until he was dismissed peremptorily from public service at Heney's suggestion.

A traitor to the Government, Hall's natural selfish instincts prompted him to betray us, and desert us in our extremity like a rat leaving a sinking ship. People may say that it comes with poor grace for one in my position to

Mount Jefferson, Oregon, looking across Township 11-7

try and preach an effective sermon, and hint that it is bad policy for the kettle to call the pot black, and indulge in similar side-remarks; but just the same I am of opinion that it would have been far more honorable for Hall to have openly confessed his own wrong-doing and that of his influential political associates rather than seek to divert the bloodhounds of law from the trail of larger game by raising the cry of "Wolf!"

He got caught in the end himself, and now "there are none so poor as to do him reverence," whereas, had he come out in manly fashion as soon as he realized that he had been hoist by his own petard, almost everybody would have had some respect for him, and there would have been many who would have applauded his attitude as a genuine act of atonement.

The course of the United States Attorney in this respect is remindful of a doggerel verse I once learned in my early youth:

"He digged a pit, he digged it deep,
He digged it for his brother;
And for his sin he did fall in
The pit he digged for 'tother."

It is barely possible that Hall, because of the failure upon his part to secure from McKinley and myself the sum of $5,000 to quash the indictments against us, thought to take revenge on that account, and this, of itself, may have influenced his action toward us. McKinley, however, was firmly of the opinion that our failure to come through with the cash, when the demand was made upon us through George Sorenson, on behalf of Prosecutor Hall, was wholly responsible for his attitude toward us. However that may be, it is certain that Mr. Hall was willing we should be sacrificed, and I believed then, as I still believe, that it was for no other purpose than to get us out of the way with as much dispatch as possible, use his influence with the Court to the end that we get the limit on McNeil's Island, and thereby eliminate the possibility of our appearing to give testimony against those of his friends against whom he believed indictments might be returned at a later date, and who, both socially and politically, were closer to his friendship than were we.

As to the $5,000 hereinbefore referred to, and which amount George Sorenson hinted to McKinley and I would be sufficient to influence United States Attorney Hall to the end that the indictments against us would be quashed, we agreed with Sorensen to produce the amount named if he could give us any assurance that Hall would live up to the arrangement, whereupon he asked for time in which to consult with Mr. Hall, and on the following day he returned with the assurance that it would be agreeable to the District Attorney and that, if I would meet Mr. Hall in St. Louis, where he expected to spend his vacation in visiting the Fair, the money could be paid to him by me personally at that time. This I consented to do, but as McKinley neglected to fulfill his part of the obligation, the matter was dropped, as I did not feel justified in putting up the entire amount myself.

Some time after my conviction in the "11-7" case, the Federal Government indicted George Sorenson because of his connection with the $5,000 bribe referred to, and Mr. Hall himself, while on the witness stand during the trial of Sorenson, admitted that the latter had offered him the money, but was unable to suggest any excuse for his failure to have him brought to account forthwith for his conduct on that occasion.

At the time the indictments were returned against myself and associates, my attorney, F. P. Mays, advised that it was for the best, as it was sure to come, sooner or later, and that, with his friend John H. Hall in office, he could arrange with him to have the trials put off from time to time and would eventually have the matter quashed altogether. Mr. Hall at that time had full control of the situation, but when it developed later that the Government had appointed a special assistant to prosecute the cases, the status of affairs was materially changed, and more particuarly after Mr. Heney appeared on the scene to prosecute an investigation of the situation prior to the commencement of the trial. It was then, no doubt, that the thought developed in the minds of such men as F. Pierce Mays and Senator Mitchell, that McKinley and I were of little consequence, and then, too, in my opinion, that the plan was conceived to sacrifice us through arrangements made with Mr. Hall to that end.

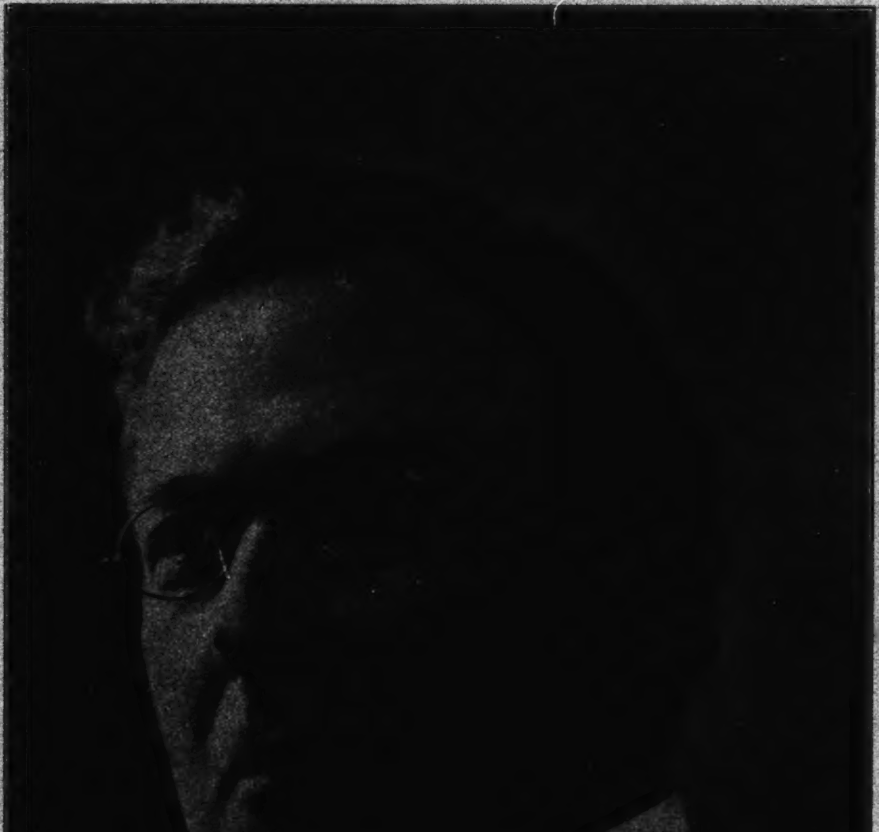
To be sure, the unexpected, which always happens, occurred when Heney appeared unbidden upon the scene. He was the unknown quantity which is never taken into consideration, and which usually upsets all calculations; but that was no reason why Hall should have consented to make flesh of one and fowl of the other, nor any excuse for our old pals to turn their backs upon us, as described in another chapter, as soon as we were convicted.

It is true the Old Guard, with its political sway in Oregon covering a period of more than a quarter of a century, had endeavored in every possible manner to discount Heney in public estimation as soon as it became apparent that he was to have charge of the Oregon land fraud prosecutions, and kept up a constant anvil chorus with that idea in view.

United States Senators Mitchell and Fulton had registered a solemn protest with the Department of Justice against Heney's appointment, and in this scheme to nip the latter's ambition in the bud, and at the same time protect their friends, they were aided and abetted by Judge M. C. Burch, Assistant Attorney-General of the United States, according to a statement made by Heney himself during the course of his argument in the Hall conspiracy case later on.

That Heney keenly appreciated the situation is evident from the fact that for the first three days of the trial, while Hall was keeping him in the background all he could, and trying to make it appear that the famous prosecutor was merely his assistant, Heney became warmer around the collar all the time, and kept sliding further and further under the big courtroom table until at last only the back of his neck was visible, and it resembled a brush heap on fire.

I was in high glee over his discomfiture, and we all came to the conclusion that the imported Government prosecutor was a false alarm, after all; but about the middle of the third day, however, after Hall had personally selected



Judge Martin L. Pipes, chief counsel for Puter in the 11-7 case the jury without any assistance whatever from Heney, and had even commenced the examination of witnesses without giving his superior an opportunity to be heard, something occurred that satisfied me we had no earthly show of being acquitted. The question of what constituted an overt act under a charge of conspiracy arose during the course of the examination of witness Greene, and our attorneys kept up a perfect fusilade of hot shot at Hall until they had him going, and in fact he was all in. He had taken his seat and was looking imploringly at Judge Bellinger, who presided at the case, until his pleading countenance, with its expression of longing for a favorable ruling, bore a striking resemblance to an Aztec watching for the coming of Montezuma. At this juncture my attention was directed to the vicinity of the farther end of the lawyers' table, and I saw at once that the Special Assistant had begun to unlimber his batteries and get in the game.

Colonel A. R. Greene, Special Inspector, Department of the Interior, had been placed on the stand to identify the title papers as those intrusted to his care by the General Land Office. Judge Pipes, of counsel for the defense, interposed an objection to the line of testimony, claiming that the counsel for the prosecution was "turning this case topsy-turvy." He also attacked the indictment, stating that it was faulty and a monument of ill-shaped phrases, and that it did not tend to connect the defendants with any conspiracy.

Mr. Heney followed out the terms of the indictment, and showed that the pleadings of the opposing attorney were specious, and made one of the strongest presentations heard in the case up to this time. The speech, of itself, was most eloquently delivered, and as Mr. Heney cited innumerable Supreme Court opinions sustaining every contention, his remarks carried great weight and were all too convincing in character to be taken lightly by counsel for the defense. It was common talk, in fact, among defendants' attorneys, that our rank and file must be reinforced by all the reserve forces at our command, for now, indeed, if never before, it was fully realized by all concerned, that Francis J. Heney was a veritable cyclone.

On November 21, 1904, those charged in the indictment with conspiracy to defraud the Government of its public lands in the now famous 11-7 case were brought to trial, with the exception of Harry C. Barr, who had been adjudged insane by Justice of the Peace Waldemar Seton, and sent to the State asylum at Salem, from which institution he later made his escape and has never since been apprehended.

The Government was represented by Francis J. Heney, of San Francisco, Special Assistant to the United States Attorney-General, and John H. Hall, United States Attorney for Oregon, while the following attorneys appeared for the respective defendants: Judge Thomas O'Day, of Portland, for Horace G. McKinley; C. A. Hardy and A. C. Woodcock, of Eugene, Ore., for Marie L. Ware; L. H. Tarpley, of Portland, for his brother, Dan W. Tarpley; while Judge Martin L. Pipes, of Portland, and my brother, Lawrence F. Puter, of Eureka, Cal., assisted by F. Pierce Mays, of Portland, as silent counsel, represented me.

Neither Emma L. Watson or Frank H. Walgamot employed counsel, as it appeared unnecessary for them to do so, on account of the case being in the nature of a joint proceeding. On the last day of the trial, however, Claude Strahan, a Portland lawyer, was engaged by Walgamot to look out for his interests in connection with his plea of guilty, made just before the case went to the jury.

Aside from Mays' assurance that any verdict of conviction could be set aside by reason of the operation of the statute of limitations, I took a peculiar satisfaction in the further knowledge that but three of the ten entrymen had used their real names in making their filings, and it would thus become a difficult matter for the prosecution to maintain its case against us in the trial, as the burden of proof would naturally rest upon the Government.

Forest ranger's cabin on Minto Mountain near Township 11-7

As the case progressed, we learned that J. A. W. Heidecke, the mountaineer whom McKinley and I had employed to steer Special Agent C. E. Loomis and Forest Superintendent Salmon B. Ormsby over the misleading trails throughout the township, had turned against us and joined forces with the Government, but we felt confident in our ability to produce witnesses who could be relied upon to counteract any testimony that he might offer. We concluded that Heidecke would be called to show that there were no cabins or other improvements on the twelve claims under consideration, and that he had either inspected other townships with Loomis and Ormsby, and pointed out the cabins therein as being the ones in 11-7, or else that they had mutually agreed to dispense with the trouble and expense incident to making the investigation, and had concocted a scheme among themselves to make the affidavits appear as if they had made personal examination of each claim. We prepared ourselves for such an emergency, and relied upon our belief that one man's word would offset that of another, and from a numerical standpoint, were satisfied that we held the advantage, as Loomis and Ormsby would have to stand by us.

Our real fear was for the identity of Emma L. Watson, who had filed under the name of Emma Porter, and the question arose in our minds whether or not the prosecution would be able to establish the fact of their being the same person. I felt that inasmuch as she had furnished cash bail, and had thus avoided the necessity of affixing her signature to any bond, it would be impossible for the other side to produce any documentary evidence bearing upon a similarity in the two signatures. How far we were correct in our assumptions may be judged when it is considered that the Government not only introduced Mrs. Watson's deed to Frederick A. Kribs, conveying title to the twelve claims, but numerous other samples of her signature, all of which had been enlarged by photographic process, so that the jury could readily perceive the similarity in the two signatures without the corroborative aid of expert testimony.

A fortnight before the trial, McKinley and I had sent surveyors and others conversant with timber lands to township 11-7, accompanied by one familiar with the situation, and who was delegated by us to see that these prospective witnesses would view the alleged cabins and improvements through "smoked glass." In other words, they had purposely been shown cabins in other townships that had no relation to those in 11-7, and being ignorant of the deception that had been practised upon them, were prepared to testify in support of the contention of the defense that the homestead laws in regard to improvements and cultivation had been fully complied with. It was while we were in the act of rehearsing their testimony for use at the trial that we became cognizant of the fact that the Government had already sent A. W. Barber, an experienced surveyor, and a clerk of the Division of Surveys in the General Land Office, accompanied by a staff of assistants, who had not only run out the lines of each claim but had secured numerous photographs that indicated beyond any question of doubt that the purported improvements and cultivation was a myth. Under the circumstances we did not feel justified in placing our doctored testimony in evidence for fear of disastrous consequences.

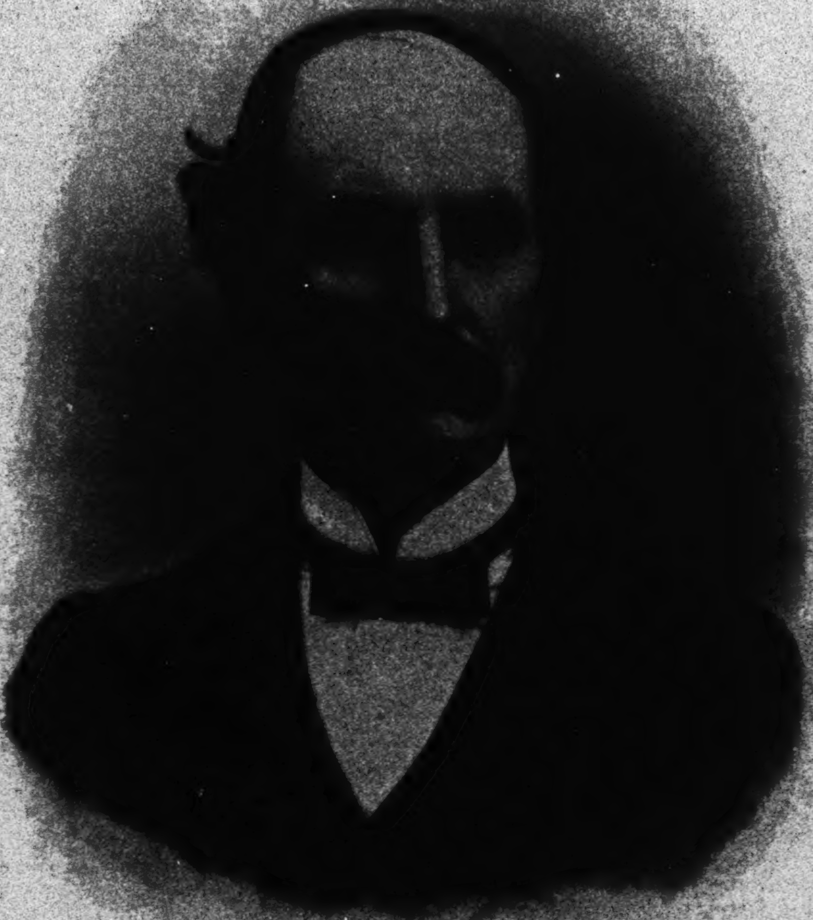
Much notoriety had already been given the case through the local press, and as eminent counsel had been retained on both sides, the trial proved quite a drawing-card, all available space in the courtroom being occupied by an expectant throng, while the hallways and corridors of the Federal building were jammed to their fullest capacity by an eager mass of humanity.

Less difficulty was experienced in securing the jury than was anticipated, and after the opening addresses had been made by John H. Hall for the prosecution and Judge Thomas O'Day for the defense, the Government called Charles B. Moores, then Register of the Oregon City Land Office, as its first witness, for the purpose of identifying the homestead applications and other papers embraced in the twelve entries. An objection to the introduction of this evidence was interposed by Judge Pipes on the ground that the documents having been dated three years prior to the indictment, were barred by the statute of limitations. The discussion following the question of admissibility of this evidence consumed the balance of the day, and resulted in the objection being overruled.

After the adjournment of Court, I learned that Congressman Binger Hermann, ex-Commissioner of the General Land Office, was in the city in response to a subpœna by the Government to appear as a witness, and I proceeded to call upon him that evening at the Imperial Hotel for the purpose of ascertaining the nature of the testimony he expected to give. Mr. Hermann assured me that he was in the dark upon the subject, and in reply to my suggestion that perhaps he had been called to identify Mrs. Watson as the woman who had appeared before him at the General Land Office in Washington, D. C., at the time the patents to the twelve homestead claims were expedited, coincided with my deductions. Whereupon I drew the inference that inasmuch as three years had elapsed since the occasion of Mrs. Watson's visit to his office, it was not likely that he would be able to identify her, and was pleased to observe that Mr. Hermann was willing to admit that I was probably correct in this assumption also.

This was good news, for while I expected that the ex-Commissioner would be found on our side all right, I hardly hoped that he would be able to forget Mrs. Watson with such remarkable ease, especially as she had made repeated visits to his office, and must have impressed him in various ways upon each occasion.

I then called Mr. Hermann's attention to a talk I had just had with Mays, in the course of which he had informed me concerning a telegram he had that day received from Senator John H. Mitchell, stating, in effect, that the latter expected to reach Washington the next day, and would remain at the National capital until the close of the approaching session of Congress.



Captain Salmon B. Ormsby, the forest superintendent, who made misleading reports to the Commissioner of the General Land Office, relative to the fraudulent homestead claims in 11-7

Commenting upon this intelligence, Congressman Hermann expressed the opinion that Senator Mitchell would carry out his plans as indicated, remarking that by virtue of being a United States Senator he was permitted under the statutes to exercise his own discretion in the matter of returning to Oregon in obedience to any subpœna as a witness, and that, in such a trifling case as this would prove to be, it was not at all likely he would consider it worthy his time or attention.

This expression on the part of Mr. Hermann had the effect of reassuring my confidence in our position, and I was much pleased over the result of my interview.

At 10 o'clock the next morning, on the third day of the trial, Judge William Galloway, of McMinnville, ex-Receiver of the Oregon City Land Office, was called to the stand for the purpose of identifying the final proof papers of Emma Porter, and also to connect Emma L. Watson, who was in the courtroom, as the person who had filed under the assumed name of Emma Porter.

He was positive in his identification of the title papers, but could not swear that the lady who was pointed out to him as Emma L. Watson was the one representing herself as Emma Porter at the time of making final proof. He admitted, however, that there was a striking resemblance between the two.

H. F. Coleman, a clerk in the General Land Office at Washington, D. C., identified all the original homestead papers connected with the twelve claims in township 11-7 as having passed through his hands in their routine course.

Colonel A. R. Greene, Special Inspector, Department of the Interior, was then placed on the stand to identify the papers as those intrusted to his care by the General Land Office. While he was on the stand, Judge Pipes, of counsel for the defense, objected to the line of testimony on the ground that it did not tend to connect the defendants with any overt act as charged in the indictment for conspiracy, and it was at this juncture that the Special Assistant to the Attorney-General made his debut in the case with such dramatic results.

No sooner had Colonel Greene left the stand than the name of Binger Hermann was called as the next witness for the Government. Instantly there was a craning of necks as the well-known Land Commissioner ambled along in his suave way and with uplifted hand, promised to tell the truth, the whole truth and nothing but the truth, so help him God.

Mr. Heney assumed charge of his direct examination, and after some preliminary questions handed Congressman Hermann for identification a letter that had been addressed to him while he was Commissioner of the General Land Office by Senator Mitchell, and was asked if he had any recollection of ever having seen it before. After examining the letter judiciously through his glasses, the witness declared that he could not recall ever having seen the letter before, although he recognized the signature as that of Senator Mitchell.

Mr. Heney thereupon handed him a second letter which met the fate of the first. He then asked the distinguished witness if there was anyone with Senator Mitchell and Mr. Puter at the time they called upon him in Washington for the purpose of expediting the patents to the twelve entries in township 11-7, to which Hermann replied that they were accompanied by a woman.

The witness was then asked if he could identify the woman as one of those sitting in the courtroom.

Hermann returned an evasive answer by stating that inasmuch as he had only met the lady in his office but once, and she had made no impression on his mind, he was unable to say whether the defendant was this woman or not.

He was then handed a third letter, also written by Senator Mitchell, upon the same subject, but its introduction in evidence was objected to by the defense on the ground that the writer was not present in court. As Mr. Heney had failed in his effort to have the ex-Land Commissioner identify them, they were temporarily withdrawn.

Judge Pipes then inquired why they had been submitted, to which the Government attorney responded that he expected to identify them by Mr. Hermann, but failing in this, had decided to withdraw them until Senator Mitchell could arrive, for whom, Mr. Heney stated, he would wire to Washington at once.

Mr. Heney hoped to have Mrs. Watson identified by Mr. Hermann, as he also anticipated that the ex-Commissioner would identify the letters in question, for the purpose of connecting her with the signing of the affidavit at Washington at the time of having the patents expedited. It will be understood, of course, that the affidavit bore her signature written as "Emma L. Watson," in full, as did the homestead application, filing and final proof blanks bear the signature "Emma Porter," written also by Mrs. Watson when she secured a claim in township 11-7 under that name.

It became necessary, therefore, to establish Mrs. Watson's identity first; to follow this with the identity of certain correspondence which had passed between Senator Mitchell and Commissioner Hermann, to prove her connection with the claims referred to; this to be followed by the introduction and identification of the affidavit named, and finally, to introduce the original papers used by Mrs. Watson in acquiring her claim under the name of Emma Porter, after which there would be little or no difficulty experienced in proving the handwriting on the affidavit and title papers identical, thus tending to establish the Government's case against the accused.

Under the circumstances it will be seen that the point at issue was of vital importance to the prosecution, and as Hermann had successfully withstood Mr. Heney's inquisition—without taking his conscience into consideration relative to telling the "truth, the whole truth, and nothing but the truth"—it became a matter of utmost importance to secure Senator Mitchell's appearance as a witness. The telegraphic correspondence between Francis J. Heney and Senator Mitchell on the subject of the latter's attendance as a witness for the Government in the 11-7 case follows:

Portland, November 24, 1904.

Hon. John H. Mitchell,
United States Senate,
Washington, D. C.

Was surprised on my arrival here to take up the prosecution of the Puter-Watson land fraud case, to find you were not subpoenaed, and immediately made inquiries for the purpose of intercepting you, and was informed you would reach St. Paul last Sunday morning, and wired U. S. Marshal there last Saturday to deliver message to you on Sunday's train. He wired that he failed to find you. It is vitally important for the prosecution to prove by you that Puter and Watson delivered to you their certain affidavits, which you sent to Commissioner Hermann, with your letter dated March 3, 1902, urging him to make special the twelve cases of homestead entries referred to in the abstract attached to said affidavit of Watson, and urging consideration thereof without delay. Without your testimony, the Government's case may fail, and these guilty rascals go unwhipped of justice, and I therefore urge you to treat this telegram as a subpoena, and to return immediately to Portland, as a witness for the United States. The case will not be concluded before the end of next week. Please wire when you will start, and oblige,

(Signed) FRANCIS J. HENEY,
Special Assistant to Attorney-General.

Washington, D C., November 25, 1904.

Hon. Francis J. Heney,
Assistant to the Attorney-General,
c|o Hon. John H. Hall, U. S. District Attorney,
Portland, Oregon.

Your telegram of yesterday reached me at 3 o'clock today. It is the first intimation I have had from any source that my testimony was desired in any of the prosecutions for land frauds in Oregon. It was known by United States District Attorney Hall that I intended to leave Portland for Washington City on the evening of November 15, and no suggestion was made to me that my testimony was desired. I did pass through St. Paul Sunday morning last, arriving there on the Northern Pacific train at 7:30 o'clock and leaving on the Burlington at 8:20 o'clock for Chicago. Surely every opportunity was open to have had me subpoenaed. Had this been done, I should have deferred leaving until the trial was over, but it is simply impossible for me to leave here now. I will here state, and possibly the attorneys for the defense may be willing to concede, that I would so testify if on the stand, that the affidavits of Emma L. Watson and S. A. D. Puter, which were forwarded by me to Commissioner Hermann in my letter of March 3, 1902, were handed me here in Washington by S. A. D. Puter, on or about that date. At that time Mr. Puter brought a letter of introduction to me from a prominent and reliable attorney of Oregon, vouching for his reliability. This is my whole information in regard to the matter. Very strong reasons being given why early action in the Land Department should be had, explains my letter transmitting the affidavits to the Commissioner.

(Signed) JOHN H. MITCHELL.

Hon. John H. Mitchell, Portland, November 26, 1904.
United States Senate,
Washington, D. C.

Defendants' attorneys refuse to admit truth of statements contained in your telegram to me of yesterday. Your testimony is still vitally important to Government. United States Attorney Hall did not consider your testimony important when you were here, but he now agrees with me as to its materiality and great importance. What was the name of the attorney who gave Puter the letter of introduction to you? Will you come, and when?

(Signed) FRANCIS J. HENEY,
Special Assistant to the Attorney-General.

Washington, D. C., November 26, 1904.

Hon. Francis J. Heney,
Special Assistant to the Attorney-General,
Portland, Oregon.

Telegram received. As I wired you yesterday, for reasons stated in telegram, it is simply absolutely impossible for me to go to Oregon at this time.

(Signed) JOHN H. MITCHELL.

Portland, November 29, 1904.

Hon. John H. Mitchell,
United States Senate,
Washington, D. C.

You neglected to give me the name of attorney here who gave Puter the letter of introduction to you. Please wire it immediately, so that I can use him as a witness for the Government, and oblige, (Signed) FRANCIS J. HENEY.
Special Assistant to the Attorney-General.

It is noteworthy that Senator Mitchell omitted to reply to this last telegram from Mr. Heney.

While the defense had no knowledge of the telegraphic correspondence as above indicated, we were convinced, because of the message received by Mays from the Senator, and the opinion expressed by Congressman Hermann, that the Senator did not propose to be forced into the case, if possible to avoid it, and these telegrams fully corroborate this idea. The "prominent attorney" referred to, as the reader will readily understand, was my old pal, Franklin Pierce Mays.

Ex-Commissioner Hermann was not subjected to any cross-examination by the attorneys for the defense, and when he left the witness stand, was excused from further attendance.

He was followed by John Withycombe, chief draughtsman in the Surveyor-General's office at Portland, who testified to having made a large map of township 11-7, which was introduced in evidence. It was about four feet square, and exhibited the claims of the different homesteaders, besides the general topography of the country as indicated by the field notes from the official Government survey, as well as the Indian or "Minto Trail," which runs through the center of the township. In addition, it showed the various courses pursued by the Government agents while traversing the township in search of settlers' cabins and other evidence of improvements. This big plat was placed upon an easel in plain view of the jury, and was frequently used throughout the trial for their benefit.

After A. W. Barber, the next witness, had certified to the correctness of the map, counsel for the opposing sides offered to consent to an adjournment over Thanksgiving Day, but the jurors insisted that the case proceed. A compromise was finally reached by the Court suggesting that a morning session should be held, and this was agreed to.

The next morning Barber resumed the witness stand, and testified that he was a surveyer and civil engineer by occupation, and had been in the Government service for a number of years. He then proceeded to give full details of a trip he had taken into township 11-7 for the purpose of making investigations, accompanied by Robert G. Pierce, Benjamin Butler Pierce, Sebastian C. Dilley, and Truman W. Pritts, all of whom had borne an equal share in "packing" the camp effects. This trip, Mr. Barber stated, was begun about June 14, 1904, and completed within two weeks.

Government surveying party at Daly's cabin, June 24, 1904, prepared for an eighteen-mile tramp to Detroit, after running out the lines of fraudulent homestead claims in 11-7. Reading from left to right: Robert G. Pierce, A. W. Barber (chief of party), Sebastian C. Dilley, Truman W. Prills and Benjamin Butler Pierce

The testimony of Mr. Barber relative to conditions in township 11-7 created a profound sensation in the courtroom, and the defendants were made the cynosure of all eyes. Heney took up in rotation the final proof papers relating to the twelve different homestead entries which had been introduced in evidence on the preceding days, and through the witness laid the foundation for a complete exposure of the whole fraudulent scheme to acquire title to the lands by process of perjured testimony.

Harry C. Barr, at the time of making proof on the SW ¼ of Section 24, Tp. 11 S., R. 7 E., Willamette Meridian, had sworn that he had established a residence on the claim in September, 1892; that his house, which was constructed of logs, was 16x24, that he had also built a good barn, and had cultivated a few acres of ground, all of which he valued at $400. He stated that he was absent from the claim about four or five months each year for the purpose of earning enough money to improve his place. As a reply to this testimony, Barber declared that there was no road to Barr's Cabin, nor was there any cabin or barn on the claim, or any indications of cultivation. He avowed, in fact, that the entire tract was covered by a dense forest, without signs of human habitation of any sort.

Heney then read the testimony of Emma Porter, made at the time of securing final certificate for the NE ¼ of Section 32. She claimed to have established her residence on the land in October, 1892; that she had built a house of logs, 20x20 feet, with four rooms and a woodshed, and possessed chickens, a cow and good barn, worth in the aggregate $500. She testified further that she had resided thereon most of the time since the house was erected, and had never been absent more than three months at any one time, when she would go to Portland and work to make a living in order to earn sufficient money to make additional improvements to the homestead.

With reference to this claim, Mr. Barber testified that there was no cabin, woodshed, barn, or anything, in fact, to indicate that it had ever been inhabited, and went on to state that the land was near a creek, upon which four trees had been cut, of which he desired to make particular mention, as it was the only point on all the claims involved where there were any other marks than those made by the surveyors.

Heney next read the testimony of Frank H. Walgamot, who claimed that he had built a home in either September or October, 1892; that the house was a good one, made of logs, and 16x25, that he had constructed a good road leading thereto, and had also erected comfortable outbuildings, all of which he was pleased to value at $500. Through the hot and dusty summer months, Walgamot, who was a young dentist of Portland, with hands of such snowy whiteness as to indicate that he had never been guilty of any hard work, had declared that he earned a living in the harvest fields of the Willamette Valley, and during the winter had trapped wild animals while he made his mountain fastness his home. This recital brought forth considerable merriment from the crowd, and resulted in the stylish young dentist being given the sobriquet of "Leather Stocking."

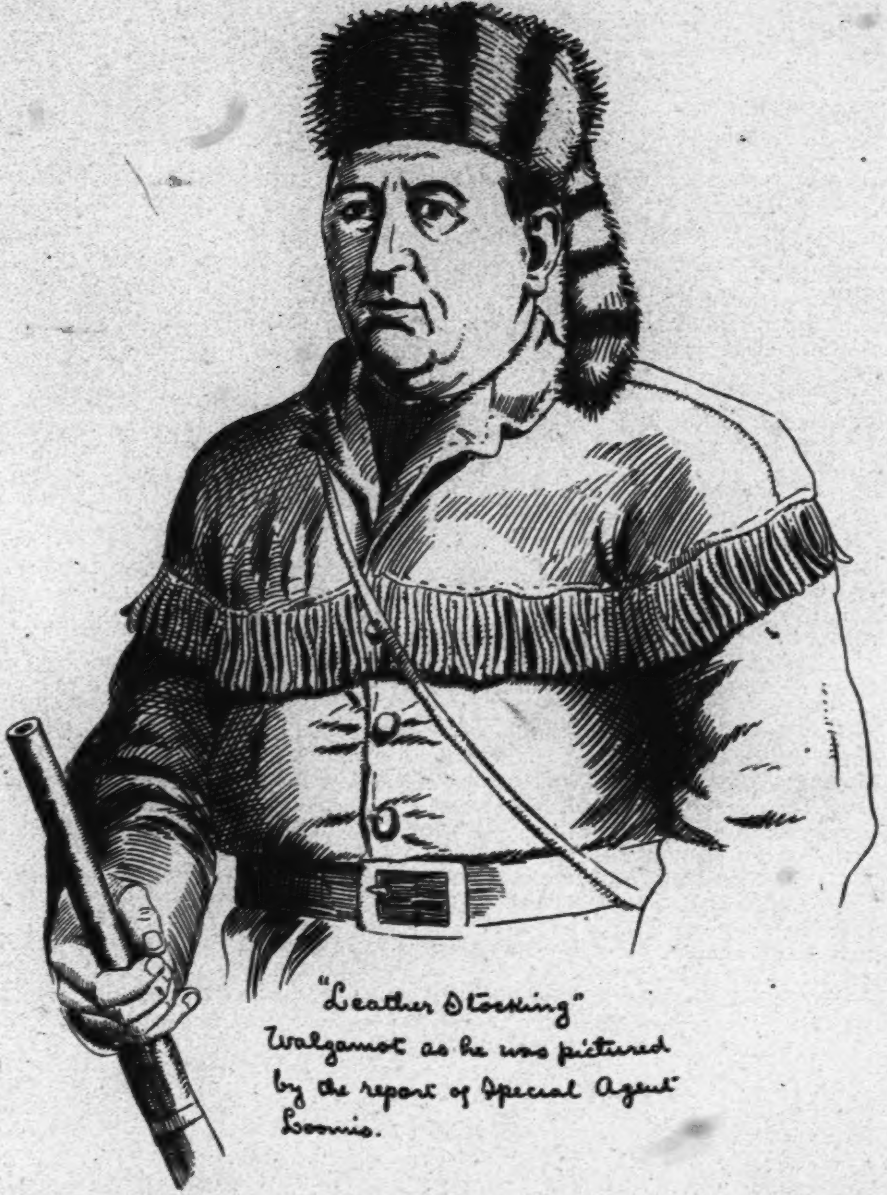
Barber's testimony relative to the Walgamot land was similar in general characteristics to that in connection with the other claims: There was no evidence, he said, to indicate that anybody had ever resided on the place, or even slept there over night.

While the testimony of the different claimants was being read by Mr. Heney, and as rapidly contradicted by the Government witness, the scene enacted in the crowded courtroom was one that shall never become effaced from my memory. The defendants were visibly affected, as this was the first time they had been subjected to such a merciless grilling, and while they were writhing in the agony of their tortured feelings, the spectators as if with one voice proceeded to make merry at their humiliation, until the episode reminded me very forcibly of the antics of a band of cattle, whose beastly instincts prompts them to gore some stricken member of the herd.

Court adjourned at noon, and as we had arranged for a Thanksgiving dinner at 2 o'clock in the afternoon, we felt it incumbent to carry out the plan, although, as a matter of fact, it was anything but an enjoyable repast, haunted as we were by memories of the trial. We all endeavored to put on a bold front and appear jovial, but the presence of the "skeleton at the feast" was too much to overcome, and nobody raised any serious objections when it was suggested that we take our departure from the banquet hall.

Witness Barber was subjected to a rigid cross-examination by attorneys for the defense in the effort to trip him up on some of his statements, as well as to show the utter impossibility of his having covered so much territory by his investigations in such a short space of time; but on the whole the bombardment of questions had little or no effect upon the main facts, and his testimony was corroborated in every essential particular by those who accompanied him on the expedition.

In addition, John D. Daly, the United States Surveyor-General for Oregon, told how he had lived for a number of years, during the summer months, on his claim in Section 15, township 11-7, which he referred to as his mountain resort; that the Minto trail—the only one in the township, and over which would necessarily come all the travel—ran through his claim and directly in front of his cabin; that the claim was located on a small prairie, where he had "squatted"



"Leather Stocking" Walgamot as he was pictured by the report of Special Agent Loomis.

some twelve years previously, in the hope that the Corvallis & Eastern railroad would eventually run through there and his location would make a good site for a station. In all this time he had neither seen nor heard of the alleged homesteaders.

William M. Brown, postmaster of Lebanon, Ore., and editor of the Criterion, published at that place, testified as to the publication of the final proof notices of the twelve homesteads in his paper.

Edwin Hobson, of Eugene, was the last witness of the day. It will be recalled that he was the person who had purchased the "Simpson" claim from McKinley, mention of which transaction is made in another chapter. Some months prior, and shortly before the 24-1 case was expected to come to trial, we learned that Hobson was to be subpœnaed as a witness for the Government, so McKinley, with whom Hobson was on very friendly terms, prevailed upon him to leave the State. During the summer, however, the Secret Service Department succeeded in locating him, and he was promptly arrested and landed in the Multnomah county jail at Portland, where he was obliged to remain several days before being released on bail, to appear as a witness whenever the Government wanted him.

Jail life was not exactly "Hobson's choice," by any means, but it served to make a "Good Injun" of him, hence, notwithstanding the fact that he was on the most friendly terms with McKinley, he was ready to tell the whole story of his life from beginning to end, and more too, when placed on the witness stand. In his eagerness to show his good intentions, and at the same time curry as much favor as possible with the prosecution, he even went to the extent of answering questions before they were half asked.

Hobson admitted an acquaintance with Marie L. Ware, Horace G. McKinley and Clyde D. Lloyd, but denied knowing me, although he stated that he had received a letter from me concerning the business relations existing between McKinley, Lloyd and himself.

Against the objections of the defense, deeds were introduced in evidence exhibiting the transfer of all the fraudulent homestead claims to Emma L. Watson. This was done for the purpose of connecting her with the conspiracy. Dan W. Tarpley, one of the defendants, was the notary before whom all the deeds were acknowledged.

Following this, a deed was admitted in evidence showing the transfer of the entire twelve claims from Emma L. Watson to Frederick A. Kribs, aggregating 1,920 acres.

C. A. Wintermeyer, an attorney of Eugene; S. R. Williams, a real estate dealer of the same place; M. B. Rankin, a timber locator of Portland; Fred Poindexter and Mrs. Mary McDonald, keepers of hotels at Prineville, testified as to the friendly relations existing between the defendants, the idea being that on account of these close ties they would not hesitate to enter into a conspiracy of the character before the Court.

Clyde D. Lloyd was the next witness. It will be remembered that he was the young notary public who took the acknowledgment of Robert Simpson, a fictitious person, in transferring a claim in 24-1 to Hobson.

His testimony merely corroborated other witnesses as to the business and social relations existing between McKinley, Tarpley, Miss Ware, Mrs. Watson and myself, and he was followed in quick succession by Mrs. Ella Graves, who conducted an apartment house at 135 Tenth street, Portland, her husband, F. W. Graves, a local music dealer, and Mrs. Frances Rodgers, of San Francisco, formerly of Portland, who gave similar testimony.

At this point the Government switched the nature of its evidence, and called George R. Ogden, a clerk in Division "P," of the General Land Office, who identified all the papers connected with the twelve fraudulent entries as having passed through his hands, and stated that under instructions from Commissioner Hermann, he had directed Special Agent C. E. Loomis to investigate the status of the various claims.

Mr. Ogden declared further, that being dissatisfied with the Loomis report, he had authorized Captain S. B. Ormsby, at that time Superintendent of the Cascade Range Forest Reserve, to make additional investigation pertaining to conditions in township 11-7.

Mr. Heney then offered in evidence the reports of Special Agent Loomis covering the twelve homestead entries, and despite the strenuous opposition of the

Clyde D. Lloyd, whose petty controversy with McKinley over money matters brought on the Oregon land fraud investigations

lawyers for the defense, they were admitted, their reading before the jury forming one of the most interesting features of the case, as revealing the depths of fabrication to which trusted employes of the Government have been lured by the glitter of land fraud gold.

In fact, during the course of argument on the admissibility of these reports, Mr. Heney took occasion to score both Loomis and Ormsby in unmeasured terms, and wound up his tirade of denunciation by declaring that the Government expected to prove that these two men were as guilty as those on trial, and should have been indicted with the other conspirators.

It is noteworthy that Ormsby was a member of the Federal Grand Jury that returned the indictments against myself and associates in the 24-1 case, and that both himself and Loomis have since been indicted for their part in the Oregon land frauds.

As the reports of the two Government agents were similar in their general characteristics, the contents of one furnishing a fair index of the whole twelve fraudulent claims, I have selected their findings upon the "Nellie Backus" claim as the standard, and present herewith the two reports in full, together with the corroborative affidavits of Heidecke, Jacobs, and the two Thomas brothers, in addition to claimant herself:

Report of Special Agent C. E. Loomis, of the General Land Office, upon the claim of Nellie Backus, who made Homestead Entry No. 13185, Oregon City Land District. For making this report Loomis was paid $1,000 by Puter.

Name of Claimant—Nellie Backus.

Description of land covered by filing or entry—E ½ of SW ¼, and E ½ of NW ¼, Sec. 19, Tp. 11 S., R. 7 E., Willamette Meridian.

Date of examination—June 6, 1901.

Character of land—Timbered, agricultural land. Good soil. Not heavily timbered. Would be fine agricultural land if cleared.

Character, extent and value of improvements in detail—A log house, about 14x16, a small henhouse, a log barn about 12x14. About two acres near the house cleared and seeded with tame grass. Evidences that a small garden has been cultivated there. Another tract further from the house, of natural meadow, has had the brush cut and burned and grass seed sowed but is now grown up to brush again.

Considering that this entryman is a young woman, and hence had to hire all of the work done, and the difficulty and expense of getting material packed up there into the mountains, a fair estimate of the value of the improvements, work upon trails, footbridges, etc., would be three or four hundred dollars, at least.

Residence of claimant—From the best evidence which I can obtain, aside from the affidavits herewith, by talking with those who may be supposed to know about it, my conclusions are as follows: She established residence there July 18, 1892, upon unsurveyed land, being led to do so by the fact that the railroad was surveyed through the township, and was being constructed within a few miles of the claim, which brought a great many people there, and she could obtain employment near the claim. She is a poor girl and works out for her living. After the railroad was abandoned she was obliged to go out to the valley to work, and she for some years put all of the money that she could earn into improvements in the way of clearing, etc., upon the claim. She expected to be able to make proof soon after the survey in 1896, but the survey was not accepted until 1900, and she has neglected her improvements, but retained possession of her claim, in the face of great obstacles, by going there as frequently as those for whom she worked would permit, and has remained each time as long as she could. The abandoning of the railroad has so changed conditions in the township that she could not make a home there for herself, now, and she has since final proof sold it. Was legally qualified.

Names of witnesses—J. A. W. Heidecke, Detroit, Ore. }
L. Jacobs, " " } Reliable men.

William Thomas, " " }
Charles Thomas, " " } Do not stand so well among their neighbors, but no reason that they should not be given credence.

The affiant Heidecke is a typical mountaineer; went to the vicinity in 1890, took up a homestead and lived upon it a few miles from this claim; has ranged those mountains ever since; knows every trail and every settler, and has visited their claims very frequently. His evidence is reliable.

The affiant Jacobs keeps the store and hotel where they had to go for supplies, and to stop in passing back and forth, and while he cannot give dates and particulars, his evidence is strongly corroborative and is reliable.

The witnesses Thomas do not stand well in the community, and if standing alone, their evidence would not be satisfactory; but if called as witnesses at a hearing their testimony would be as indicated, and there would be no reason for excluding it. I avoided taking affidavits from the other entrymen, and obtained evidence as far as possible from disinterested parties.

Heidecke's homestead is in Sec. 36, Tp. 10 S., R. 7 E.

Was the fraud willful?—No.

Have any legal proceedings been instituted?—No.

Action recommended by Agent—That the entry be sustained.

Dated at Oregon City, June 25, 1901.

C. E. Loomis,
Special Agent, General Land Office.

Affidavit of Nellie Backus—(in Loomis' handwriting)—Nellie Backus, being duly sworn, deposes and says: My P. O. address is Salem, Or.; further, I am the identical person who made H. E. No. 13185, F. C. No. 6268, for the E ½ NW ¼ and E ½ SW ¼, Sec. 19, Tp. 11 S., R. 7 E., W. M. I located my claim and put up notices, it being unsurveyed land, on July 18, 1892; I hired two men to build me a log house 14x16, and went there to live very shortly after the date above given; in 1893 I raised all of the vegetables that I needed, and have done the same every summer since then; in 1894 I built a small barn about 12x14, and a hen house; I have two acres cleared and in cultivation, and I have some more of the land with the brush cut off and seeded with grass; with the exception of about three months in the winter, when the snow is very deep, I have lived upon my place almost continuously; I have never been away from my place more than 40 days at a time since locating there except in winter, as above stated; during the winter months I went to Salem and Portland and worked for a living; I am unmarried, and could not get a living upon the claim; my absences have been only temporary, and for the purpose of earning a living. I value my improvements at about $500. They cost me more than that.

(Signed) Nellie Backus.

Subscribed and sworn to March 19, 1901.
C. E. Loomis,
Special Agent, G. L. O.

Affidavit of J. A. W. Heidecke—J. A. W. Heidecke, being duly sworn, deposes and says: My P. O. address is Detroit, Ore.; I have lived there since 1890; I am well acquainted with Nellie Backus, and with her H. E. No. 13185, the E. ½ N. W. ¼, and E. ½ S. W. ¼, Sec. 19, Tp. 11 S., R. 7 E., W. M.; I have a ranch about six or eight miles from there, where I live a portion of each year; I know that she located upon her claim in the summer of 1892, and has made her home there from that date to this; she is single and poor, and has to work for her living, and has left her claim temporarily for this purpose several times, but has never abandoned it, but went there as her home when not thus employed, and at frequent intervals; she built a log house about 16x18, a barn about 12 feet square, and a henhouse; she had four or five acres cleared, and cultivated and sowed with grass seed; this is now neglected and grown up with brush to some extent; the abandoning of the railroad, and the long delay in the surveying of the land has been a great hardship to her, as well as to all the other settlers, and has greatly hindered and discouraged her, and has caused the neglect of the improvements, as she, with many others, have been very doubtful about ever being able to obtain title; since the survey she has done what she could to get her improvements into better condition; she has done the best that she could in her circumstances.

(Signed) J. A. W. Heidecke.

Subscribed and sworn to June 18, 1901.
C. E. Loomis,
Special Agent, G. L. O.

Charles Thomas and William Thomas, being duly sworn, depose and say, each as follows: My P. O. address is Detroit, Ore.; I am well acquainted with Nellie Backus, and have heard the accompanying affidavit of J. A. W. Heidecke regarding her homestead entry; I know the circumstances, and know the statements therein to be true.

his
(Signed) Charles X Thomas.
mark
his
William X Thomas.
mark

Subscribed and sworn to June 18, 1901.
C. E. Loomis,
Special Agent, G. L. O.

Snowdrifts on Thomas Wilkins' claim in 11-7. It is at this point the entryman claimed to have grown strawberries. The above photograph was taken in June

Affidavit of L. Jacobs—L. Jacobs, being first duly sworn, deposes and says: My P. O. address is Detroit, Ore.; I have lived there since 1890, and am engaged in keeping a general store and hotel; I am well acquainted with Nellie Backus, who made Homestead Entry No. 13185 for the E ½ NW ¼ and E½ SW ¼, Sec. 19, Tp. 11 S., R. 7 E., W. M., and I know that she located there in the summer of 1892, and has made her home there from that time to this; she is single and has to work for her living, and has worked out at times when she could get employment, for this purpose, but has gone to her claim as her home when not thus employed; she had to come to Detroit for supplies, and in passing back and forth to and from her claim, and I have frequently seen her upon such occasions; she has never abandoned her claim, and has done the best she could; I know nothing about the improvements.

(Signed) L. Jacobs.

Subscribed and sworn to June 18, 1901.
C. E. Loomis,
Special Agent, G. L. O.

Report of Forest Superintendent S. B. Ormsby on the Nellie Backus Homestead Claim, for Which the Government Official Was Bribed by Puter to the Extent of $500.

Date of examination.—January 14, 1902.

Character of land.—About two-thirds of this claim has timber of medium density. The remainder is lighter. The western portion is rough, and the creek runs through a small canyon. One-half the claim would be fit for agriculture if cleared.

Character, extent and value of improvements.—Log house, about 14 x 16; another small building used as a henhouse, and stable about 10 x 12. Buildings were substantial when built, and evidently made to be permanent. A tract of about 2 acres had been cleared, which included a small garden, and the remainder sowed to grass. Another tract of about one acre had been cleared, but now overgrown with brush. The premises have not been occupied for some time, and have been somewhat neglected. It seems she made the improvements herself, and as everything had to be packed on horseback from Detroit to the claim, a distance of not less than 22 miles, these improvements must have cost not less than $200 or $250.

Residence of claimant.—The fact that the claimant, after being compelled to forego a continuous residence on the land, did use a part of her earnings in making improvements thereon, seems to show good faith on her part in maintaining a residence. The evidence is that she entered on the land in July, 1892, and resided there continuously until the Fall of 1894, when she was compelled to leave to obtain work elsewhere. She seems, however, to have spent her earnings when away in improving the land. She is not the head of a family. Was known in the neighborhood of the claim, and was qualified to make the entry.

The claimant seems to have acted in good faith throughout, and I think this entry might be sustained.

(Signed) S. B. ORMSBY,
Forest Superintendent, General Land Office.

The affidavits of J. A. W. Heidecke and L. Jacobs, accompanying the foregoing report, are similar in character to those they made for Loomis.

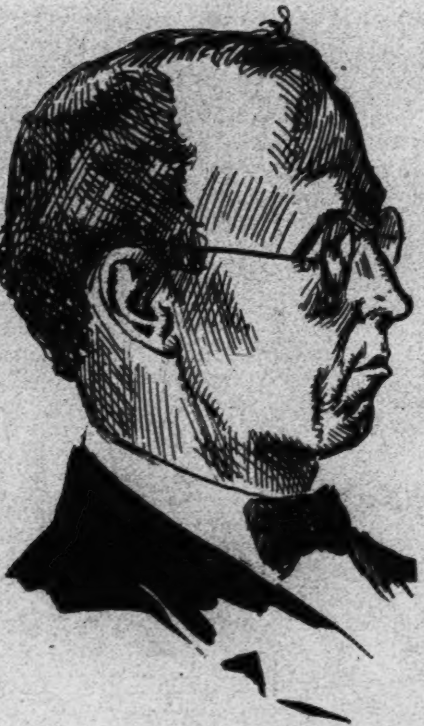
The amusing feature of the two reports—wherein both Government agents describe the claimant as a hard-working girl—exists in the fact that she is, in reality, one of the most stylish and refined young women of the West, with hands and features to indicate that she never performed any drudgery in her life.

She assumed the name of "Nellie Backus" for the sake of convenience, and she appeared personally before Special Agent Loomis when she made the affidavit that told of her struggles in the backwoods to win a home from the forest. Any honest official could have seen at first glance that she was falsifying, but then Loomis is excusable on the plea that "suthin' got in his eyes."

The so-called "Nellie Backus" was never any nearer township 11-7 than Albany, Or., fully 100 miles distant, and neither of the Government agents were ever on her claim, or those of the other homesteaders. No effort was ever made to erect improvements of any kind on the land, which, like all the fraudulent claims, was entirely unfit for cultivation, and heavily covered with a dense growth of timber, besides being rough and mountainous.

Her real name was Nellie Gilbert at the time she filed her homestead entry as Nellie Backus, and she was then a resident of Portland. She afterward married Elbert K. Brown, the son of a wealthy Eugene hopgrower. In conjunction with Forest Superintendent Salmon B. Ormsby, Special Agent Clark E. Loomis, William H. Davis (Mayor of Albany, Ore.), Henry A. Young, George Sorenson, Binger Harmann, Horace G. McKinley, Emma L. Watson, Dan W. Tarpley, Frank H. Walgamot and myself, Brown and his wife were indicted by the Federal Grand Jury of Oregon on December 27, 1904, for the part they took in the 11-7 frauds, but the case has never been tried.

After George R. Ogden had been recalled for the purpose of identifying the Ormsby report, Mr. Heney then brought out the letter written by Senator Mitchell to Commissioner Hermann, in which were enclosed the affidavits of Emma L. Watson and myself, pertaining to the 12 fraudulent homestead claims.



George R. Ogden, Clerk of the General Land Office

Ogden admitted that the letter and affidavits had much to do with the issuance of patents.

A. S. Dresser, Register of the Oregon City Land Office, was the next witness and produced the original patents issued upon the homestead entries of Mattie S. Lowell, William McLaughlin, A. O. Austin, J. R. Foster, James Wakefield, Christie E. Langham and James A. Taylor. These documents were offered in evidence, Mr. Heney stating that, although they had not been deeded to Emma L. Watson, he expected to prove that the patents had been fraudulently obtained by the defendants to tracts of land in township 11-7.

As I had never heard of any such persons as those whose names had just been mentioned, nor had I any knowledge of their filings in township 11-7, the introduction of these documents in evidence came as a great surprise to me. McKinley, also, disclaimed any knowledge of the entries, whereupon our attorneys interposed an objection, but as usual it was overruled, Heney's contention being that he proposed to prove that the seven patents were secured through fictitious entries; that the claims, after final proofs had been made. were transferred to George A. Howe, a fictitious person, thence to Horace G. McKinley and by the latter relinquished to the Government in making selection of other lands, which McKinley had sold to an innocent purchaser. Certified copies of the deeds conveying the lands embraced in the seven fictitious entries to Howe, were next introduced in evidence, and as another link in the chain, the prosecution introduced a deed from Howe to McKinley, Dan W. Tarpley, as a notary public, having taken the acknowledgement in transferring the lands to McKinley, without the affiant being present in person, as set forth in the jurat.

J. H. Booth, Receiver of the Roseburg Land Office, testified to an acquaintance with McKinley covering a period of five years. He also identified the forest reserve selection that had been filed by Howe based on lands in township 11-7, and this application was likewise identified by Special Inspector A. R. Greene, of the Department of the Interior, besides H. J. Coleman and George R. Ogden, clerks in the General Land Office.

It was evident the prosecution concluded that the jury was tired of the monotony entailed by the introduction of so much similar testimony, as Miss Ella Wyman, of Chicago, was placed on the stand. She testified to being the proprietress of a private boarding house on Dearborn Avenue, Chicago, and that in March, 1904, Mrs. Watson had engaged a room at her establishment under the name of Mrs. Porter, remaining several days, or until arrested by Captain Porter, of the Government Secret Service.

Andrew Jackson, a colored porter in the employ of Miss Wyman, corroborated her testimony.

Next in turn was Captain Thomas I. Porter, of Chicago, who had been connected with the Secret Service of the Treasury Department for 18 years. He testified to having "shadowed" me through the streets of Chicago and to my room at the Grace Hotel, where I was registered under my real name. Later, while I was delivering a telescope basket to Mrs. Watson, he had followed me to her boarding house, and in that manner had discovered her whereabouts. Her arrest followed the next morning.

George B. McLeod, treasurer of the Astoria Company, of Portland, recounted certain business dealings with McKinley and myself, stating that he had arranged to purchase the 12 claims in township 11-7 from me at $5 per acre, but delivery of title was not made to him, as I had informed him that transfer thereof had been made to another person.

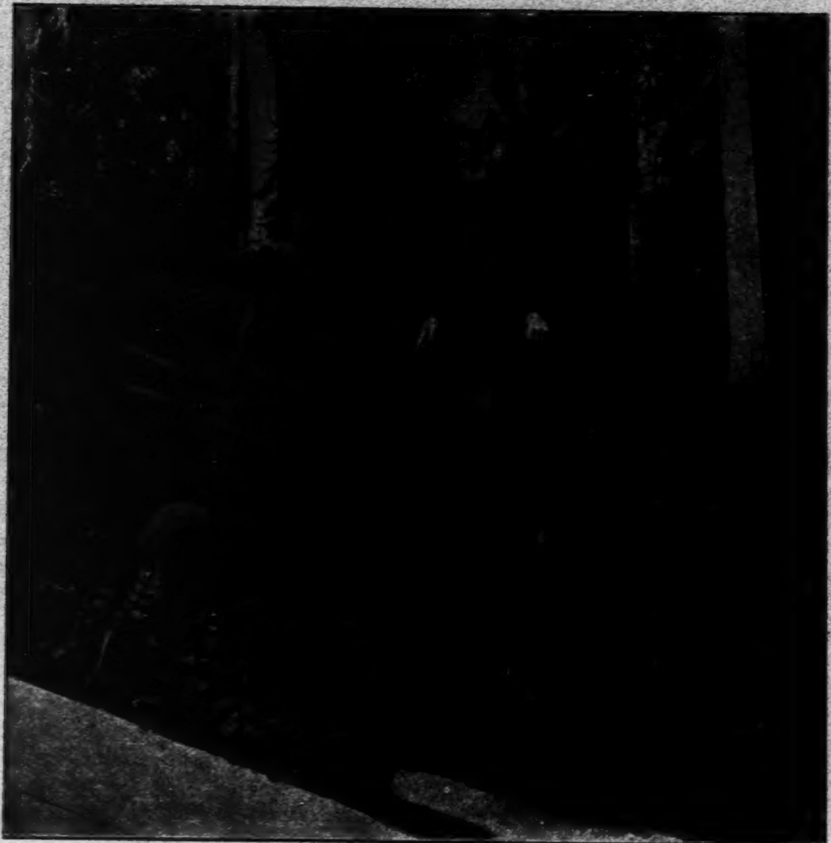
Frederick A. Kribs was the next witness, and testified to an acquaintance with me of several years' standing, and of various land transactions with me; that he also knew Mrs. Emma L. Watson, from whom he had purchased the 12 claims in township 11-7, upon which the defendants were being tried.

Frank E. Alley, a searcher of records of Roseburg, Ore., identified a plat of township 11-7 as one that he had made for McKinley.

After M. B. Rankin had been recalled to testify relative to land deals had with McKinley, Tarpley and myself, Court adjourned until the following morning at 10 o'clock.

W. A. Richards, Commissioner of the General Land Office at Washington, D. C., who was Assistant Commissioner during Hermann's administration, was called to the witness stand on Tuesday morning, and identified the letters received by Binger Hermann from Senator Mitchell, together with the affidavits of Mrs. Watson and myself in support of the 12 claims. These were the same that Hermann had failed to identify while on the stand.

Commissioner Richards not only remembered the circumstances attending the presentation of these papers to Hermann, but he was positive in his identification of Mrs. Watson and myself as the persons who had been introduced to him by Senator Mitchell, and with whom he had talked with reference to expediting the patents to the 12 claims. Had Binger Hermann identified these letters and affidavits while on the stand, it would not have been necessary for Mr. Richards to cross the continent for that purpose, and it might be stated that had we known in advance of Mr. Heney's determination to establish the identity of the papers named, we should have much preferred that Hermann would have been less forgetful, and in all probability, at the time I visited him at the Imperial Hotel, I should have coached him along different lines than the ones pursued by my suggestions to him at the time. Mr. Richards' testimony was in all truth the most damaging offered against the defendants up to this time, and he was permitted to go without cross-examination.



Government Surveyor Barber identifying a cornerstone in 11-7, at which point three of the fraudulent claims cornered

Edward Meeker, County Recorder of Linn County, Oregon, testified to the fact of McKinley having paid the recording fee on the George A. Howe relinquishment to the Government at the time the forest reserve selection was made in his name.

B. M. Payne, County Cerk of Linn County, identified an abstract of title made for the George A. Howe lands, and testified that McKinley had ordered and paid for the same.

Charles Pfeiffer, proprietor of the Albany Hotel, identified the signature of McKinley on his register of November 18 and 19, 1901, at which time McKinley visited Albany for the purpose of securing the abstract from B. M. Payne.

Receiver Booth, of the Roseburg Land Office, was recalled, his evidence going to show that certain papers being missing from the George A. Howe forest reserve selection, he had communicated with the latter at the address given, and had failed to receive any response. This testimony was introduced for the purpose of showing that Howe was a fictitious person.

Clyde D. Lloyd was also recalled and identified the writing of myself by letters which he had received from me in the course of business transactions. As it was known to our attorneys that Lloyd had secured the appointment as a notary public in order to take the acknowledgments of bogus applicants for Government lands, including the claims of fictitious homesteaders, it was not deemed expedient to cross-examine him too closely as he was known to have turned traitor in order to save his own scalp, hence his testimony could not be of any particular benefit to us.

W. A. Holt, assistant cashier of the Wells-Fargo bank, of Portland, was the last witness of the day. He identified my handwriting, with which he was familiar, in several of the homestead final proofs, and also the signature of Emma Porter as that of Mrs. Watson.

On Wednesday morning, November 30, J. T. Bridges, Register of the Roseburg Land Office, was called for the purpose of proving the mythical character of George A. Howe.

The testimony of Robert B. Montague, the next witness, was of a most sensational nature. For several years he had served as deputy clerk of Linn county. Up to this time neither McKinley or Tarpley had been brought with any degree of prominence into the case, but had become obscured in a way by the flood of startling developments that had come to the surface in other directions. With the advent of Montague, however, it was their day to shine.

After acknowledging an acquaintance with McKinley, Tarpley, Marie Ware and myself covering a period of five years, he testified that during the Fall of 1900 he had entered into a contract with McKinley and Tarpley whereby he was to receive $100 for each person who would file and make final proof on a homestead entry before him, it being understood that McKinley and Tarpley were to produce the entrymen; that they had caused 6 persons to so appear, who had filed and made final proof on claims in township 11-7; that he had received from McKinley and Tarpley all moneys to cover office fees for the filings and final proofs, and that he knew the entrymen appearing before him had not used their right names. This testimony related to the 12 entries in 11-7 concerning which I was familiar.

Montague then testified further that, a few weeks after the filing of the 6 entries referred to, he had entered into a private arrangement with McKinley, whereby it was planned to use fictitious names in securing additional claims in the now-famous township 11-7; that he furnished the necessary blanks to McKinley, who in turn caused them to be filled out in the most promiscuous fashion, and in this way the names of Mattie S. Lowell, William McLaughlin, A. O. Austin, J. R. Foster, James Wakefield, Christie E. Langham and James A. Taylor had been obtained to the blank homestead applications, the body thereof being afterwards filled in by the two conspirators, after which the documents were filed before Montague, as he had such authority by virtue of his office as Deputy Clerk.

After the bogus proofs had been made, all the papers were forwarded to the Roseburg Land Office, where final certificates were issued and returned to Montague. The latter testified also that himself and McKinley had caused deeds to be executed, conveying the claims to George A. Howe, a fictitious person, who in turn had relinquished the claims to the Government in lieu of other lands, which were sold by McKinley and Montague to innocent purchasers for their mutual benefit.

I was more than surprised to learn of the facts developed by the testimony of Deputy Clerk Montague, as this was the first intimation I had that he was familiar with the fraudulent character of our operations in township 11-7, McKinley never having mentioned to me the subject of his relations with the crooked official. It proved conclusively that McKinley, my old partner in wickedness, had given me the "double-cross," and when I turned to him for an explanation I found him the picture of despair.

Before Montague had gone on the stand, McKinley had been engaged in affable converse with those around him, but as soon as the denouement had taken place, I found him with his chin sunk so deep upon his waistcoat that it almost touched the lower buttons. He would not talk, and his reply to my inquiry as to what it all meant was merely a shake of the head, as he bowed still further forward to hide the torture depicted in his countenance.

As for Montague, it is safe to state that he presented the most abject appearance of any that had thus far been called to the witness stand. Remorseful and hollow-eyed, full of contrition, with blanching features and quivering voice, and eyes that constantly sought the floor, he had told the story of his downfall and shame, and it had become part of the history of the fraudulent transactions. He was not cross-examined, as our attorneys thought he had been punished enough.

W. F. Hammer, Clerk of Linn County during 1901-2, testified that he had no knowledge of the fact that his deputy was signing his name to papers other than those of a legitimate character. He corroborated Montague in regard to the signatures.

Miss Minda McCoy, stenographer in the office of the Linn County Abstract Company, who knew McKinley, remembered having furnished him with the abstract for the George A. Howe claims.

Colonel A. R. Greene was recalled, and related the incident connected with his interview with Dr. Frank H. Walgamot at the time he called upon the latter for the purpose of securing a statement from him relative to his homestead entry in township 11-7. The Colonel declared that Walgamot had informed him that one of his witnesses, Charles Burley, was in California, while the other, Joseph Wilson, was the newsboy on a Southern Pacific train, and investigation had proven the so-called "Joseph Wilson" to be none other than Thomas R. Wilson, chief clerk of the State Penitentiary at Salem.

When Colonel Greene was excused from the stand, Mr. Heney called for Thomas R. Wilson, but it was found that he was not in the courtroom, and it was discovered later that John H. Hall, for some reason known only to himself, had excused the witness some two days previously. It was evident that Mr. Heney was considerably displeased on account of the absence of Wilson, but so far as McKinley and myself were concerned, we were perfectly indifferent about it, as we had seen and talked with Wilson but a few days before, and he assured us of his intention to "stand pat," no matter what the consequences might be.

Special Agent Edward W. Dixon, of the General Land Office (at present chief of Field Division No. 3, comprising the State of Washington and a portion of Idaho), corroborated Colonel Greene with reference to occurrences in Dr. Walgamot's office.

John P. Marshall, who claimed to be cashier of the Ainsworth National Bank, of Portland, and to be a handwriting expert of vast experience, was the next witness. By the aid of enlarged photographs of the signatures taken from the bonds, and filed with the Court as a standard, he compared the signatures of Emma L. Watson, Marie L. Ware, Horace G. McKinley, Dan W. Tarpley, Frank H. Walgamot and myself with those attached to the filing and final proof papers of the fraudulent homestead entries in township 11-7. This self-constituted "wizard of penmanship" declared that the signature of Joseph Wilson had been forged by Horace G. McKinley; that the names of George A. Graham and George L. Pettis had been forged by Marie L. Ware and Horace G. McKinley, who had used the handwriting of Miss Minda McCoy, of the Linn County Abstract Company, as a standard for operation; that the names of Emma Porter and Emma L. Watson, in his opinion, were written by the same hand; that George A. Howe's signature, as well as that of Thomas Wilkins and Joseph Wilson, had been written by McKinley, while the body of the testimony in the final proof of the Maud Witt entry had been written by myself.

Our attorneys literally made a monkey of Marshall under cross-examination, developing the fact, much to his discomfiture, that the self-styled expert of long experience, had been, at one time, connected with the Ainsworth National Bank, and had, indeed, been privileged, while in the bank's employ, to stand within the wicket of the cashier's department, much in the same capacity that the janitor or porter might have been there, but not, indeed, as cashier of the institution. He had, nevertheless, drawn upon his imagination to the extent that, because of having touched the garments of his superior, he believed that the raiment belonged

Robert B. Montague, the crooked Deputy County Clerk of Linn County, Oregon, who, for obvious reasons, is now sojourning in Honolulu

properly to himself, and was pleased, therefore, to assume the title. This probably gave him the idea that he was a marvelous expert in handwriting; but as a matter of fact, a 10-year-old schoolboy forgot more every night on the subject than Marshall ever knew in his life. It was developed further, that this man had not even been in the bank's employ for something like six years, and that, in the meantime, he was playing baseball for a living and was connected with one of the local teams. It will be shown later to what extent his knowledge went as a handwriting expert.

J. F. Shearman, Deputy Clerk of the United States District Court, of Wichita, Kas., was also placed on the stand by the Government as a handwriting expert, and he proved to be a second edition of the preceding witness, so far as gleams of intelligence were concerned.

Shearman gave it as his opinion that the signatures of Maud Witt were made by Dan Tarpley, and that those of Joseph Wilkins, Thomas Wilson and George A. Howe were executed by McKinley; also that Emma L. Watson signed the name of Emma Porter, while Mattie S. Lowell's signatures were written by Marie L. Ware.

Counsel for the defense subjected Shearman to a gruelling cross-examination, during which he became greatly confused, and at times experienced considerable difficulty in extricating himself from perilous positions. Had we so desired, it could have been proven that the two handwriting experts of the Government were entirely incompetent, so far as their general deductions were concerned, but of course, we were in no position to discredit them at that time without exposing our own weakness. Now that the case is over, however, and there is no longer any necessity for concealing the identity of the real signers of the different fraudulent papers, I have no objections to making them public.

The signatures of Joseph Wilson and Thomas Wilkins were made by Thomas R. Wilson, who had made proof on two separate claims. Both the Government handwriting experts had attributed these signatures to Horace G. McKinley.

The name of George A. Graham was signed by Henry A. Young, a clerk under Secretary of State Kincaid, of Salem, Oregon. Young had filed on two claims under his own name and that of Graham.

George L. Pettis was signed by Walter Palmer, and not by McKinley, the experts to the contrary notwithstanding. Palmer was a logger.

The name of Zenas K. Watson was signed by Basil H. Wagner, a well-known resident of Salem.

George A. Howe's signature was made by Guy Huff, a bartender of Eugene, Oregon. Huff was afterwards indicted for his connection with land frauds.

The signature of Maud Witt was by herself, and not by Tarpley, as contended by the experts for the Government. She was a resident of Portland at that time.

The name of Mattie S. Lowell was signed by Maud Coffin, a well-known young lady of Portland, who had no idea as to the purpose for which it was being used. Marie Ware had nothing whatever to do with the writing of this name.

The only signature, in fact, upon which these so-called experts rendered a correct opinion, was that of Emma Porter, which had been written by Emma L. Watson, who had made no attempt to disguise her handwriting.

Properly speaking, these handwriting experts were imposters of the rankest kind, and in their employment to pass judgment upon signatures, the Government was buncoed out of every cent paid them.

After Marshall and Shearman had given their testimony, the prosecution resumed the introduction of other evidence, and placed J. A. Wilson, manager of the Dennison News Company, on the stand to prove the identity of Thomas R. Wilson, who had been a newsboy in the employ of the witness at the time he filed the fraudulent claims.

John M. Keith, proprietor of a restaurant in Portland, was called to prove Walgamot's continuous residence in Portland during the period it was alleged he was living on his homestead claim in 11-7. He testified that Walgamot had been employed as a waiter in his establishment at one time.

L. Jacobs, of Springfield, Oregon, but formerly of Detroit, Oregon—better known as "Accommodating Jakey," because of his readiness to "accommodate a friend," as he used to put it, through the signing of any old paper that might be presented to him—was the next witness called to the stand.

He testified that he had been in the general merchandise business at Detroit for several years, and that he had been imposed upon by both Special Agent Loomis and Forest Superintendent Ormsby when they induced him to attach his signature to the false affidavits embodied in their respective reports.

During the cross-examination of "Accommodating Jakey," the Hon. A. C. Woodcock, of Eugene, Oregon—who had been paid $1,500 to assist in the defense of Miss Ware and Tarpley, and who, by the way, was regarded in the community where he resides as the greatest legal light since Daniel Webster, Henry Clay, Demosthenes, or the rest of the bunch—aroused himself from his customary siesta,

Maud Witt, one of the bogus homesteaders in 11-7

which had been continuous from the beginning of the trial, and ventured to say a thing or two. When Jacobs admitted having signed the papers for Loomis and Ormsby, the spell which had bound Attorney Woodcock seemed to have been suddenly broken, and he emerged from the dream long enough to ask the witness "if he was not aware that it was a serious offense to make a false affidavit." After which, he waited long enough to get the witness' reply, who stated that, "under the circumstances, he thought he was doing the right thing." When Woodcock, with the wisdom of a Solomon remarked, "that's all," and falling back into his chair, relapsed into everlasting silence, while great globules of condensed wisdom could be observed separating themselves from the triple expansion machinery of his mind. Walter W. Thackery, clerk of the Roseburg Land Office, identified the George A. Howe papers which had passed through the land office in the usual course of title.

Miss Maud Coffin, of Portland, was the next witness called, but for what purpose was not developed, as it was shown that she had no knowledge of the case at issue, and the Court sustained an objection from counsel for the defense.

U. Grant Scott testified to having known Frank H. Walgamot for the past 11 years, and that he had resided in Portland all that time.

F. S. Skiff, a local dentist, testified that Walgamot had studied dentistry in his office, but could not say whether or not he had lived in Portland after discontinuing with him.

The last witness of the day was Miss M. A. Aiken, who was called to prove Walgamot's continuous residence in the city, as he had lived at her house.

On Friday morning, December 2, J. A. W. Heidecke, the star witness of the trial, was placed on the stand by the Government. He testified to a residence of several years at Detroit, and claimed to have assisted in making the Government survey of township 11-7; that he knew all the settlers thereabouts, but had never seen or heard of any of the 12 entrymen involved in the case at issue; that he knew Dan W. Tarpley, S. A. D. Puter and Horace G. McKinley; that Tarpley prevailed upon him to go to Albany, where he was introduced to Puter, who employed him to ascertain, if possible, the source of the complaint relative to the fraudulent homestead entries in township 11-7; that he had accepted this employment, but had failed to secure the desired information; that he met Puter again at Albany by appointment, agreeing upon this occasion to show Special Agent Loomis over certain lands in Township 11-7 and represent them as being the claims he had been ordered to investigate, and that Puter had paid him $110 in gold for the service, and had promised him $250 more when the titles were perfected; that he met Loomis according to appointment, and escorted him to the mountains, where he pointed out certain cabins and improvements and represented to the Special Agent that they belonged to the different homesteads forming the basis for the investigation, when, as a matter of fact, they were miles away, and that Loomis did not know the difference; that the latter met with an accident while in the woods, and was unable to further proceed with the farcical inspection, suggesting that they had gone far enough. The following is a verbatim copy of the testimony at this point from the Court stenographer's notes:

Question (by Mr. Heney): "What happened when you got back to camp?"

Heidecke: "Well, I took the horses and staked 'em out on the grass so they couldn't get away, and came into the house on the Peaslee place, where we were staying, and I says to him, 'are you going to examine any more of those claims?' 'Why,' he says, 'you have saw Puter, ain't you?'

"I says 'yes, I seen Puter, and I don't like that very well.'

"'Oh,' he says, 'mum's the word! I am a Special Agent, and whatever reports I make out, the Government will not doubt me. Everything will be all right.'

"And then I says, 'well, here's all those rangers and Ormsby.'

"'Oh,' he says, 'Ormsby has no kick coming!' So I says, 'I guess I will go fishing then,' and when I went out he took out a map, and he says, 'where would you put those cabins?'

"So I just sat down there and marked around where the cabins would be, and then I went fishing."

Continuing, the witness said in substance:

"The next day we returned to Detroit, and I accompanied the Special Agent to the rear of Jacobs' store, where the affidavits were drafted by Loomis, as he objected to doing so in the main room of the store on account of so many customers being there. After fixing up a set of affidavits for each of the 12 entries, Loomis obtained signatures thereto from L. Jacobs, proprietor of the store, and several others of the townspeople present. I also signed a set for each claim, and induced the two Thomas brothers to do likewise, paying them $10 apiece for their trouble. Altogether Loomis paid me $15 for my two days' work for him in the woods. This was irrespective of the amount I received from Puter.

"My next experience with the deal," declared Heidecke, "was when I met Captain S. B. Ormsby at Albany in accordance with arrangements that had already been made with Puter. Ormsby informed me that the investigation made by Loomis in 11-7 had to be done all over, and suggesed that I go with him as a guide. Shortly thereafter I met Ormsby and Tarpley at Detroit, and was paid

Frank E. Alley, the Roseburg searcher of records, and handy man for Kribs at the local Land Office

$20 by Tarpley to accompany Ormsby into the mountains. At the same time Tarpley flashed a draft for $250 in my face which was made payable to me, and which Tarpley said would be turned over to me as soon as patents issued on the 12 claims."

This draft was then introduced in evidence by Heney, and proved to be a certificate of deposit for $250 made in the name of Emma L. Watson at the Wells-Fargo Bank in Portland. It was made payable to Heidecke by Mrs. Watson, and also bore the signature of Heidecke as payee.

"The day after Ormsby arrived at Detroit," continued Heidecke, "we started for the mountains, but I had not proceeded far when I pretended to be sick, and returned to Detroit, leaving the Captain in the lurch. He did not stay out very long, either, but came back to Detroit on the following day and asked me to sign a lot of affidavits testifying to the residence, improvements, etc., on the 12 claims.

"At first I declined to do so, but when Ormsby suggested that there was a great deal of timber being illegally cut on Government lands, and that the

Forestry Department might require my services in protecting the reservation from devastations of this character, I lost no time in taking the hint and signing a complete set of the affidavits. Later Ormsby secured the affidavits of Jacobs and several others in Detroit. He kept his word in reference to getting me appointed as a forst ranger, which position I held until October 15, 1902, when I was discharged."

Heidecke resumed his testimony by relating all that occurred about two years later when Edward W. Dixon, at that time a Special Agent, called upon him at Detroit and interviewed him relative to the 12 homestead claims in township 11-7. Dixon had been detailed by the General Land Office to make an investigation in search of evidence that could be made the basis for indictments by the Federal Grand Jury, and in the course of his duty, read over some of the affidavits that Heidecke had signed.

The mountaineer declared that the statements therein contained were true and correct in every particular, as he was well acquainted with the 12 homesteaders. Shortly thereafter he was subpoenaed to appear before the United States Grand Jury, at Portland, but before doing so, sought out Captain Ormsby, at Salem, and consulted with him relative to the situation. He was deliberating whether or not to ignore the subpoena altogether and skip out, but Ormsby advised him not to do so, claiming there was no danger as there was no power on earth could break the two reports, and for him to stand pat, at the same time suggesting that he see Dan Tarpley about the matter before taking any further action.

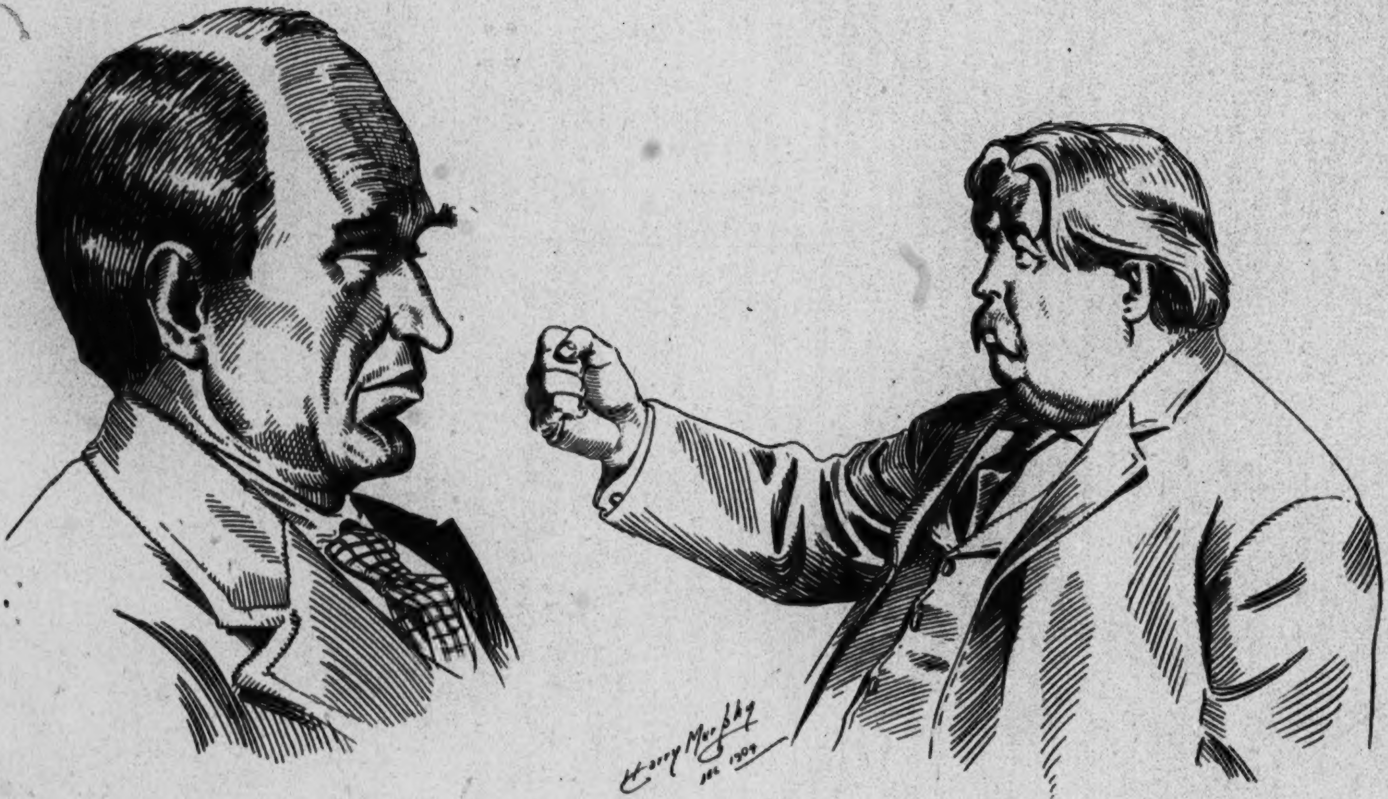
Heidecke called upon Tarpley, as advised by Forest Superintendent Ormsby, and was furnished with certain data which he was to commit to memory for use before the Grand Jury. He wrote down in his memorandum book that Maud Witt was light, and of medium height, while Nellie Backus was heavy and dark; in fact, he had descriptions covering each person who had made the homestead filings. Somehow or other his memory went back on him when he faced the inquisitorial body, and after holding out for a time, he finally went all to pieces and told everything, making a complete confession of his part in the fraudulent transaction. Judge Thomas O'Day, of counsel for the defense, took Heidecke in hand and subjected him to an excruciating cross-examination, and one which, in all truth, the witness will have good reason to remember for the remainder of his natural life.

"Heidecke, you self-confessed perjurer," thundered the counsel, "you, who have come here and had the audacity to declare that you accepted this money, and knew at the time that you were lending yourself to the commission of a crime, yet wavered not, and after benefiting thereby, and with no offer made to refund your ill gotten gain, state to this court and jury that you have repented, and, in the hope of saving your cowardly self, you would make believe that this thing was forced upon you?"

Heidecke, like Montague, was on the verge of collapse, and when counsel for the prosecution came to his assistance, it reached him none too soon, for he was indeed a sorry plight.

Frank O'Brien, clerk of the St. Charles Hotel at Albany, and Charles Pfeifer, of the Revere House, of the same city, both identified the signatures of McKinley, Tarpley, Loomis, Heidecke and myself from the registers of their respective hotels, at different times when those named had stopped there.

Ira P. Hower, of Eugene, testified to having loaned McKinley $2,100 on the George A. Howe claims. Through this witness the title to the different fraudulent tracts was traced from McKinley to N. Haskell Withee, of La Crosse, Wis. The next morning this witness was recalled and told how he had been accustomed to keeping the Howe deeds in a certain bureau drawer at his residence with other valuable papers, but that in searching for the documents a few days previously, the discovery was made that they had "mysteriously" disappeared. L. E. Bean, Hower's attorney, corroborated his client relative to the search for the missing deeds.


Harry Murphy
Dec 1909

Judge O'Day grilling witness Heidecke during the 11-7 trial

Walter Holt, of Wells-Fargo Bank, Portland, identified the certificate of deposit for $250 issued by the bank in favor of Mrs. Emma L. Watson, and indorsed by her to Heidecke.

P. E. Snodgrass, Cashier of the First National Bank, of Eugene, told about the transaction between Hower and McKinley, at which time the George A. Howe claims were given as security for the loan. Snodgrass also related the substance of a conversation occurring between himself and McKinley, wherein the latter's representations regarding the value of the lands was made the basis for the loan of $2100.

At this point Mr. Heney announced that the Government rested its case. He had two more witnesses, he said, both of whom were absent, George Sorenson being reported at Duluth, Wis., while Thomas R. Wilson, the Walgamot witness, was alleged to be too ill to attend the Court proceedings.

Counsel for the defense held a brief consultation as soon as the prosecution rested, after which it was announced that they would introduce no evidence in the case. This move was a great surprise to everybody, as it had been confidently expected that a vigorous defense would be made, quite an array of witnesses having been summoned for that purpose.

At the beginning of the trial, the defense had entered the Court room fully confident that a complete line of defense would be established against anything the Government might present; but as the case progressed, however, it soon became apparent that Montague and Heidecke had turned traitors, which presented a different phase of the situation, with the result that we found ourselves without a peg to stand on, and were obliged in consequence to pin our faith to the belief that whatever judgment of conviction the jury might return could be overcome on appeal to the higher Court.

At the afternoon session, just before the commencement of arguments, the second great surprise of the day occurred when Claude Strahan, a local attorney, arose and said:

"I appear for Defendant Frank H. Walgamot, and at this time I desire to withdraw his plea of not guilty, and substitute therefor a plea of guilty!"

"Is that your wish, Mr. Walgamot?" inquired Judge Bellinger, addressing the alleged trapper.

The defendant arose slowly to his feet with downcast eyes. He did not want to see his fellow-defendants, nor gaze into the eyes of the Court or spectators. Shamefaced and crestfallen, he had lingered until the last minute in the hope that something might develop to turn the tide. But he realized that there was no escape, hence was ready to beg for that mercy which the other defendants, in their loyalty to each other, had scorned to accept.

"I do," he said, with quivering voice.

"What is your plea? asked the Court.

"Guilty!" he whispered, as he sank temporarily into his seat, and then slunk from the Court room under cover of the further proceedings, and was seen no more. It is quite evident that Walgamot's plea came at an opportune moment, as he has never been sentenced, and there is not much likelihood that he will ever be called upon to face any further punishment for his misdeeds.

The sensational incidents of this episode had hardly died away when Mr. Heney arose and produced one of even greater magnitude.

"Your Honor," he said, addressing the Court; "I have long followed the rule in prosecuting not to ask a jury to return a verdict of conviction in a case where I could not conscientiously go into the juryroom and vote the same way myself. I feel that the Government has failed to make out a case against Marie Ware under the terms of this particular indictment, and have therefore to request that the jury be instructed to acquit her of this charge."

Judge Bellinger assured Mr. Heney that he felt the same way in regard to Miss Ware's complicity in the 11-7 frauds, and indicated an intention of instructing the jury in accordance with this view of the situation.

United States Attorney John H. Hall made the opening argument for the government in a speech that consumed several hours. It was not regarded as much of an effort from an argumentative standpoint, the main features being a facetious fling at the romantic ideas involved, when the bachelor element among the bogus entrymen were supposed to soften the asperities of their isolated existence by paying alternate court to "Nellie Backus," "Emma Porter," and "Maud Witt," while the poor girls were hoeing potatoes out in the snow during the long hours of the Wintry nights.

My brother, L. F. Puter, of Eureka, Cal., followed the Government attorney, in an address that was listened to with close attention by the jury, although it was plainly apparent from the outset that no power on earth could stem the current of their conviction that we were guilty.

Probably the most impressive scene of the whole trial was witnessed after my brother had finished, and Judge Thomas O'Day had resumed his closing appeal for the defendants. Naturally of commanding presence, the Judge was never more so than on this occasion, as with stately tread, after the noon recess, he took a position directly in front of the jury. Opening a large volume of the Holy Bible, and spreading it before him on a pedestal that had been improvised for the occasion, he commenced to read from the VIII Chapter of St. John:

"Jesus went into the Mount of Olives. And early in the morning he came again into the temple, and all the people came unto him; and he sat down, and taught them.

"And the Scribes and Pharisees brought unto him a woman taken in adultery; and when they had set her in the midst, they said unto him, 'Master, this woman was taken in adultery, in the very act. Now Moses in the law commanded us, that such should be stoned; but what sayest thou?' "

"This they said, tempting him, that they might have to accuse him. But Jesus stooped down, and with his finger wrote on the ground, as though he heard them not.

"So when they continued asking him, he lifted up himself, and said unto them, 'He that is without sin among you, let him first cast a stone at her.'

"And again he stooped down and wrote on the ground.

"And they which heard it, being convicted by their own conscience, went out one by one, beginning at the eldest, even unto the last; and Jesus was left alone, and the woman standing in the midst.

"When Jesus had lifted up himself, and saw none but the woman, he said unto her, 'Woman, where are those thine accusers? Hath no man condemned thee?'

"She said, 'No man, Lord.' And Jesus said unto her, 'Neither do I condemn thee; Go, and sin no more.' "

Turning his pockets inside out, Judge O'Day faced the Government attorneys and shouted in stentorian tones:

"I carry no rocks with me, I don't see any coming from the other side!"

Taking the scriptural injunction as a text, Judge O'Day proceeded to deliver one of the most effective sermons ever listened to from any pulpit. His reading of the quotation, coupled as it was with so many dramatic features, produced a profound impression upon jury and audience alike. The application was apparent to all. Outside attempts had been made during the progress of the trial to connect the female defendants in some way with certain scandalous rumors, and the action of Judge O'Day was taken as a reply to these vague and senseless insinuations.

Of splendid physique and endowed with deep, penetrating voice, the Judge held the closest attention of the entire court room, and a death like stillness pervaded the atmosphere while he was making his eloquent appeal for mercy. That was all it could be called, as we were forced to throw ourselves at the feet of the jurymen by reason of having absolutely no case.

Whatever effect the words of our counsel may have produced was quickly dispelled when Mr. Heney began the closing address for the Government. He summed up the evidence in the most convincing manner possible, and it is doubtful if the prosecutor exists who is gifted with such wonderful powers of concentration when it comes to analyzing the testimony in a case. His efforts stamped him at once as a person of rare legal ability, and his reputation has since been greatly enhanced.

Heney's speech occupied the entire morning session of Court, so that at 2 o'clock on the afternoon of December 6, 1904, Judge Bellinger began reading his instructions to the jury. They were fair and impartial throughout, as were practically all the rulings during the trial, and at 2:15 P. M. our fates were in the hands of the twelve men, good and true.

After being out about forty minutes, the jury returned a verdict of guilty against all the defendants with the exception of Marie Ware, whose acquittal had been recommended by Mr. Heney; and Frank H. Walgamot, who had entered a plea of guilty shortly before the case was submitted. The jury was composed as follows:

A. Blevins (foreman) farmer, Albany, Linn County; E. A. Griffin, stockman, Dufur, Wasco County; John B. Bridges, contractor, Portland, Multnomah County; J. L. Howard, stockraiser, Heppner, Morrow County; J. L. Barnhouse, stockraiser, Wheeler County; G. H. Newell, farmer, Lakeview, Lake County; A. E. Austin, general merchandise, Woodburn, Marion County; J. C. Weatherly, farmer, Wallowa County; C. H. Duncan, farmer, Baker County; W. H. Dilley, contractor and builder, Benton County; I. M. Foster, farmer, Clatsop County, and Richard Waugh, stockman, Pendleton, Umatilla County.

Puter estimating the timber on one of C. A. Smith's fraudulent claims in 14-3

Chapter XII

Puter's motives for aiding the Government—His co-operation with Heney and Burns the mainstay in the efforts to connect United States Senator John H. Mitchell with the Oregon land frauds—How Frederick A. Kribs was driven into a corner and forced to "peach" on his friends—C. A. Smith, the notorious Minneapolis millionaire, saved by the statute of limitations—Unique system of "mining" pursued by the Secret Service Department in reducing the strongholds of conspiracy.

THE verdict of conviction having been rendered, our attorneys immediately filed a motion for a new trial, Judge Bellinger granting us forty days in which to submit and argue same. In the meantime we were remanded to the custody of the United States Marshal, our bonds in each case being fixed at $4,000.

Mrs. Watson, Horace G. McKinley, Dan W. Tarpley and Frank H. Walgamot at once gave bail and were released; while, in my case, as I was momentarily expecting my old friends and associates to call and attend to the matter, I made no attempt, personally, to find sureties on the afternoon of my conviction.

It appeared, however, as the hours rolled by, and the day was far spent, that I had been overlooked, so I requested Walter F. ("Jack") Matthews, then United States Marshal for Oregon, to grant me the privilege of remaining at the Hotel Portland, where I had been stopping, until such time as my bonds were furnished and approved.

Mr. Matthews very kindly granted my request, and instructed Jacob Proebstel, one of his deputies, to accompany me to the hotel, where I was to remain in his custody until my bonds were furnished.

On the following day, December 7, 1904, I suggested to Mr. Proebstel, when breakfast was over, that we return to the Marshal's office, as I expected my friends to call there. Noon came, however, without bringing anybody, so we went back to the hotel for luncheon, after which we repaired to the Marshal's office and resumed our lonely vigil.

After remaining there for some time, I called up my brother over the telephone, and suggested that he pay a visit to the offices of F. Pierce Mays, Fred. A. Kribs and W. N. Jones, all of whom he would find in the Chamber of Commerce building, and to interview these gentlemen with regard to furnishing my bond, asking that he more particularly see Mr. Mays, whom I requested him to call upon first, as I thought, because of our close business relations, and because of the fact that Mays was implicated with me in several land fraud transactions, and had always acted as my attorney, that he would be the proper person to come to the rescue, now that I was in need of assistance.

When my brother returned to the Marshal's office, he advised me that the gentlemen named had been called upon by him personally and interviewed in my behalf, but without success. Mr. Mays, upon whom he called first, refused absolutely to have anything to do with me, giving as a reason that he, too, might be dragged into the mire. He stated that his name was being mentioned freely as a subject for probable indictment at some later date, and that, should he come forward at this particular time as among those who had given me either moral or financial support in any way, the result would be obvious.

Mr. Kribs also shrugged his shoulders and declined to go on my bond, as did Jones likewise, both of them claiming that they were dealing in timber lands, were consequently dependent upon future operations along that line, as in the past, for a livelihood, and that, under the circumstances, it would be eminently out of place for them to stake their prospects upon the notoriety of such an undertaking. These men, so my brother informed me, were quite willing to associate with me and to be known as my friends in my days of prosperity; in my hour of adversity, however, they were not to be reckoned on as among the faithful.

I was completely overcome, for the time being, when my brother related his experience with the trio of presumed friends, and had it not been that it was through my own brother the news of their perfidy had been conveyed to me, I should not have believed it. Coming from any other source I should have given the lie direct to such a statement, for little could I believe that these men would be guilty of willfully and deliberately deserting me at the very moment when I most needed a friend. It was neither what I expected or deserved, because I had stood by them through thick and thin, but now that my lips had drained the cup of bitterness to the dregs, I became resigned, though even then I did not despair.

The hour was now late, and not feeling disposed to strive further to secure bondsmen on that day, I retired to my room at the hotel, accompanied, as on the evening previous, by Deputy Marshal Proebstel, who accorded me every courtesy and consideration. We spent the evening quietly, as may be imagined, as I had much to think about and preferred to be alone.

On the following morning I was visited by a friend—not of the stripe heretofore mentioned—who expressed a desire to become one of my bondsmen. This gave me renewed courage, so after breakfast I decided to call upon Mr. Mays personally, notwithstanding my brother's report, as it was necessary for me to secure one more bondsman in order to obtain my release, and Mr. Mays, I still thought, was in duty bound to supply that man.

I called upon Mays, accompanied by Mr. Proebstel, the latter remaining in the hallway until the close of our interview. Upon entering the office, I found Mays seated at his desk, and after bidding him good morning, addressed him thus: "Mr. Mays, is it a fact that you have declined to assist me in the matter of securing my bond?"

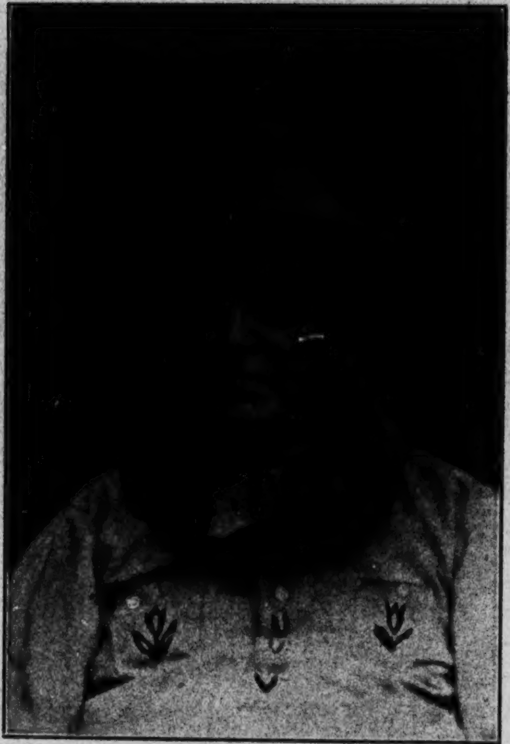
"Puter," he replied, "you know very well that I could not become your bondsman, as the statute prohibits an attorney from doing so."

"Yes, I am aware of that, Mr. Mays," was my answer, "but I have not asked you to go on my bond personally, nor do I expect you to; but I have a right to ask you to call upon one of your many friends, through whom this matter could readily be adjusted. This you could easily do, and besides," I continued, "I already have one bondsman, and require but one more, and surely it is not expecting too much when I say that you should supply this need."

"I would like to help you out," said Mays, "but I don't propose to be dragged into this case if I can help it. You know yourself that they are after me red hot, and if it should become known that I assisted you in the matter of securing bondsmen, it would simply be a case of supplying ammunition to the enemy, and would be used against me at the first opportunity."

"Mr. Mays," I replied, "it is entirely unnecessary for you to become known in the transaction, as you could very easily speak to one of a hundred persons, any one of whom would gladly accommodate you by becoming my surety, and as for you being mixed up, or your identity becoming known, I can see no reason for any such idea. The very thought of such a thing is absurd, and you know it."

Wheeling about in his chair and resuming his writing, Mr. Mays treated me, and the subject presented, with cold indifference. I could see from his very countenance that he was bent on ignoring me; but I was not to be discarded in this ruthless fashion, and resolved, before leaving, to plead with him still further, humiliating as it might be to my pride; so I proceeded to remind Mr. Mays of how he was associated with me in the 24-1 deal, wherein he received half of the six claims, knowing them to be fraudulent, and not one of which cost him a dollar.



Captain J. H. Alexander, Special Agent of the General Land Office, who was of material assistance to Chief Dixon during the investigation of the Umatilla Indian Reservation frauds

"Mr. Mays, you claim, as I understand, to have paid Senator Mitchell the sum of $600 for his services in pulling out the patents to those six claims, but I never did believe that you paid him any such amount, nor do I believe it now, as Senator Mitchell, according to your own statement to me, was very much indebted and obligated to you for past political favors. However, I know this much, and you will not deny it, that you got those claims from me for absolutely nothing, and you also know, as I do too, that you disposed of them—the three that you got—within a few months' time, for the neat sum of $2,520. And furthermore, Mr. Mays, you have been mixed up with me in various land transactions for something over 12 years, and now, to think that the very man with whom I have dealt, and for whom I have worked, should throw me down — you don't mean this, Mays, I know you don't, for you know full well, and that, too, beyond a question of doubt, that I would have gotten up in the middle of the night to come to your rescue, had occasion demanded and would gladly have put up my last dollar had you needed it. Your name, Mays, has never been mentioned by me in connection with these cases. On the other hand, I have shielded you at every turn."

Mays had little to say after that, but the look he gave me spoke volumes. He was not to be moved; that was all apparent, so I decided that further entreaty would avail me nothing, and being given the opportunity, I looked him square in the eye, and said:

"Mr. Mays, I take it that you refuse to act in my behalf?"

"You have my answer," he replied; "I can do nothing for you!"

"You, sir, may be looking for a bondsman some day," I remarked, before leaving. "Remember, I say, you, too, may in time need a friend!"

It is worthy of note that Mr. Mays was indicted, tried and convicted within two years after this conversation took place, the indictment against him being returned in less than a month after my trial.

He is now under $4,000 bond, pending appeal of his case to the higher courts.

Finding Mr. Proebstel in waiting in the corridor where I had left him, we took the elevator and returned direct to the hotel. I might, perhaps, have called upon Jones and Kribs, who occupy offices in the same building, but I was too much downcast to court another such experience.

Upon reaching the Hotel Portland, I found my brother waiting for me, and told him what had taken place. He was not surprised, as his mind was made up from the time he had talked with Mays, Jones and Kribs, on the day before, that it was useless to expect any aid from them, and he could not understand why I should permit myself to become so grossly deceived in regard to the stability of such friendship, as I had always claimed, in discussing the subject with my brother, that any one, or all of them, would do anything for me within reason, as I likewise would have done for them. They had been put to the test, however, and were found wanting, and it was now up to me, in my present predicament, to look after myself, and at some later date, when the cruel circumstance of time would lay bare the lives of these men, as it does with all those who prove traitors to their friends, I could stand by and look on in silent contempt, if not, indeed, with a degree of satisfaction, at their deserved fate.

When my brother inquired if I wished to see anyone else in the city with a view of securing bonds, I replied that I did not; that I would prefer, however, humiliating it might be, to send to my old home in Humboldt County, California, and have the money sent me necessary to secure my liberty. He, too, considered this the better plan, so I wired that morning, requesting that $4,000 be transmitted, and this amount I received by telegraph that same afternoon.

Being free once more, I lost no time in summoning my old lieutenants, McKinley and Tarpley, to my room at the Hotel Portland for consultation.

When they called to see me, I informed them of my intention to call upon Francis J. Heney, Special Assistant to the United States Attorney-General, and request permission to appear before the United States Grand Jury, to give testimony against F. Pierce Mays, Senator John H. Mitchell, and the rest of the gang. Mr. Tarpley advised that I abandon the thought, while McKinley suggested that it might be all right to inform on Mays and some of the others, but I should omit the name of Senator Mitchell.

"I know," said he, "that Mays has treated you shamefully, and should be brought to account and made to suffer for his acts, but Mitchell—why should you turn against him? What has he done?"

"Just look at those press dispatches," I replied. "Hardly a day has passed since my conviction but he has had something mean to say about me in the newspapers, and as Mitchell and Mays are so closely identified with each other, I look upon them as one person, determined to force me to the wall, and to effect, if within their power, my complete ruination."

"I would advise you to hesitate," replied McKinley, "before taking final action, as you are angry now and might do something which you would have reason to regret at a later date; just wait a few days and you may change your mind."

"No," I said; "I comprehend thoroughly what I am doing. My mind in the matter is made up, and I am determined to carry out my plans as outlined. Had Senator Mitchell held his peace, his name should never have been mentioned by me, but since he has seen fit to denounce me publicly, through the columns of the daily press, discountenancing me in most scathing terms, I can see no reason why I should protect him further. No! I shall shield him no longer; he is equally guilty, and must go down to his fate with the balance of the bunch."

McKinley and Tarpley evidently thought that further discussion on the subject was useless at that time, so they had nothing more to say, but still hoping to change my mind in the matter, either one or the other, if not both, called upon W. N. Jones, one of those who had been asked to go on my bond, and after informing him of the situation, suggested that he see and talk with me at once.

Jones hit only the high places in reaching me, and meeting me in the hotel lobby, said:

"Puter, what is the matter? I learn that you are going to cut loose and give the whole bunch of us away—is that so?"

"Well," I replied, "you are a nice lot of fellows, particularly Mays, Mitchell, Kribs and yourself, for now that I have been convicted, Mitchell condemns me, while Mays, Kribs and you have seen fit to pass me up in the most deliberate and cold-blooded manner. Both Mays and yourself, being my partners in those timber land schemes for the past eight years, should have been the first to offer me assistance, and which, you well know, should have come to me unsolicited; but you failed to appear, and when I was forced to call personally, because of your non-appearance, I was turned down like a white chip. Up to this time I have never uttered a word to anyone about the fraudulent character of the transactions in which you were all involved with me. On the other hand, I have stuck to you all from beginning to end."

Jones' countenance assumed a look of serious solicitude as he replied: "Be reasonable, Puter, and I will see Mays and Kribs and the rest of them, and between us all, we shall see that your fine is paid!"

"You'll pay nothing!" I answered, heatedly. "I am plenty capable of paying my own fine. I never expected, nor would I permit, anyone to pay my fine. All I asked for and expected was, that Mays, Kribs and yourself would show me the consideration to which I was entitled. I had no other thought than that you would all hasten to my aid, and the only question in my mind, immediately after conviction, was which two of the three I would permit to go on my bond without offending the other. You know, Jones, how badly I was mistaken as to your respective dispositions. I know now what kind of fellows you are, and you will all have to answer at the bar of justice because of your miserable conduct toward me."

Jones beggingly implored, "Don't do it, Steve—don't do it! for if you once start the ball rolling, there is no telling where it will stop! Besides," he continued, with more consideration over the prospective loss of his ill-gotten dollars than contrition for the inevitable wreck of his reputation, "further exposure will simply ruin the timber business, and there won't be a cent in it for anybody hereafter!"

I wheeled abruptly and walked away, for notwithstanding the fact that Jones had turned against me when I most needed his assistance, at the same time, I could not bear to look upon this fine specimen of manhood reduced to misery and shame, and to think, moreover, that he was yet to suffer still greater torture from the grilling he was certain to receive at the hands of the death-dealing Heney. My position, for the moment, was as one "between the devil and the deep sea," for I had no real desire at heart to humiliate my old friend Jones, nor did I wish to place him in the hands of Heney, a man for whom I could entertain no love, for if ever living man prosecuted his fellow-being, it was this man Heney when he kept rapping it to me, and, as I believed at the time, with a determination not only to kill me for eternity, if possible, but, if within his power, to place me behind the very gates of hell.

But I must decide. Once before I had done so, and now it was incumbent upon me to again revolve all the agonies of my chaotic thoughts into some sort of tangible form that would assume the composite shape of justice and mercy. Not in the presence of my one-time friend, however. I must be alone, and in the solitude of my room I reviewed every phase of the situation as one seeks the secrets of destiny in a kaleidoscope.

All the abuses I had suffered at the hands of this syndicate of traitors seemed to parade before me in spectral procession, and mock my very soul itself with their merciless taunts. It was more than human flesh could endure, and lest my heart should grow too weak and cowardly, causing me to flinch from what I realized was my stern duty, I walked deliberately from my own room to that of the Government prosecutor—in the same hotel—and knocked for admission, with the same degree of charity that the penitent sinner would display in seeking salvation. Mr. Heney responded in person to the summons, and after requesting me to be seated, inquired the object of my visit, to which I made answer:

"Mr. Heney, I have personal knowledge of fraudulent land transactions in which several prominent citizens are implicated, all of whom, I consider, are equally guilty with myself, if not more so. I have come to you, therefore, to ask that I be granted the privilege of appearing before the Federal Grand Jury for the purpose of testifying in those cases."

"What, might I ask, are the names of the persons against whom you desire to give evidence?" inquired Mr. Heney.

"F. Pierce Mays, United States Senator John H. Mitchell, and several others, whose names I do not care to mention at this time," was my reply.

"If you have no objection," said Mr. Heney, "I should be glad to learn the nature of the testimony you expect to present."

"Well," I replied, "I will state for the present that Mr. Mays was my associate in several land transactions, in some of which Senator Mitchell also took part. One, in particular, that I call to mind, was when I visited Washington, D. C., at the instigation of Mr. Mays, and, although I had met and transacted business with Senator Mitchell prior to this time, Mays handed me a letter to him, which I presented upon my arrival in Washington, and which introduction was the means of giving me a standing with the Senator which I had not previously enjoyed, and which terminated later in my making a deal with him, whereby he agreed to expedite the issuance of patents to certain lands in which Mays and I were interested, and for which service I paid Senator Mitchell the sum of $2000, in the form of two $1000 bills."

"If you can substantiate these statements," replied Mr. Heney, "you may come to my office at 10 o'clock tomorrow morning, when you will be afforded an opportunity to testify before the Grand Jury. I shall expect you," he added, significantly, "to bring with you all papers and documents bearing upon the subject, to corroborate any testimony you may offer at that time."

This I agreed to do, and bidding him good-day, I took my departure. Having in mind his injunction to bring with me all the available documentary evidence in my possession, I immediately telegraphed to my home at Berkeley, Cal., requesting that my private account book be sent to me at once. On the morning of the second day after my talk with Mr. Heney, the book in question arrived in Portland. In the meantime I had arranged with him to defer giving my testimony until the book reached me.

Upon being ushered into the Grand Jury room by Mr. Heney, the latter announced to the inquisitorial body that S. A. D. Puter wished to present evidence in the cases of F. Pierce Mays and United States Senator John H. Mitchell.

Whatever my thoughts before entering that room, I can assure my readers that after glancing about me and examining the faces of those present, I experienced a feeling of awe. Some few of the jurymen I was acquainted with personally; others I had seen, while the majority were total strangers to me. I recognized, however, that the jury was composed of a representative class of men who, in all truth, were endowed with more than ordinary intelligence, and eminently capable of performing their duties without fear or favor under all circumstances. The more I studied their faces the more confident I became, until I felt satisfied that no guiltless person need fear their decision. Their equal as a jury, collectively speaking, would be hard to find; their superior I have never seen.

After being sworn, the usual form of oath being administered, I took the witness chair and was asked by Mr. Heney to state my name, age, residence and occupation; how long I had lived in Oregon and dealt in timber lands, and how long I had known Senator Mitchell, etc. After answering these and other preliminary questions, the Government prosecutor asked if I had ever had any business transactions with Senator Mitchell.

"Yes," I replied, "I have had several such transactions."

The famous United States Grand Jury that returned indictments in the Oregon land frauds: Reading from left to right: A. Bettingen, capitalist, The Dalles; V. W. Robnett, farmer, Linn County; Christian Christensen, fruitgrower, Multnomah County; A. H. Parsons, farmer, Union County; J. W. Jory, (Secretary) farmer, Marion County; J. R. Hays, farmer, Clackamas County; Joseph Essner, laborer, Washington County; L. R. Herren, farmer, Marion County; William Shepherd, farmer, Yamhill County; Joseph Fetzner, capitalist, Josephine County; W. H. H. Wade, (Foreman) farmer, Clackamas County; George D. Peebler, farmer, Umatilla County; John Shaw, farmer, Union County; Foster Adams, hotel keeper, Morrow County; George Gluetie, merchant, Portland; L. A. Vogel, farmer, Umatilla County; W. P. Dutton, stockraiser, Morrow County; Fred. G. Buffum, merchant, Portland; L. N. Edwards, farmer, Benton County; Francis J. Heney, Special Assistant to United States Attorney General, and William J. Burns, of the Government Secret Service. Frank Bolter, the remaining member of the Grand Jury, was ill at the time this picture was taken, hence does not appear in the photograph

"Did you, Mr. Puter, have any business dealings with the Senator prior to 1902?"

"Yes, sir, I did," was my reply. I thereupon stated the nature of these relations.

Mr. Heney then asked me to indicate what business, if any, I had had with the Senator during 1902.

I replied that I had employed Senator Mitchell in Washington, D. C., as my attorney, for the purpose of expediting the patents to the 12 homestead claims in Township 11 S., Range 7 E., in Linn county, Oregon, involving those upon which I was tried and convicted.

In response to Mr. Heney's suggestion that I explain to the members of the Grand Jury all about the method of acquiring title to the 12 fraudulent homestead entries, I proceeded to give a detailed account of how the lands had been located through McKinley and myself, as described fully in a preceding chapter. I explained further how the entries had been suspended by the General Land Office pending an investigation; how I had bought off Special Agent Loomis, of the Oregon City District, and also Captain Ormsby, Superintendent of the Cascade Forest Reserve, both of whom had been detailed by the Land Department to investigate the character of the homestead claims; and further, how I had personally gone to Washington City shortly after the reports of the Government officials had been transmitted to headquarters, and how, upon my arrival there, I had employed Senator Mitchell to use his influence with Binger Hermann, Commissioner of the General Land Office, to secure the issuance of patents without further delay. After I had entered into a careful explanation of all these details Mr. Heney then asked me this question:

"Mr. Puter, have you any documents in your possession bearing upon the statements you have just made?"

"Nothing," I replied, "other than the memorandum book in which I keep my private accounts."

"Have you got that book with you?" he asked. I replied in the affirmative.

He then requested me to give the jurymen a detailed statement of the transactions recorded therein.

With book in hand, I went on to explain how I had furnished all funds necessary to cover the expense of locating the 10 homesteaders on the different claims, and how two of the entrymen had filed on two claims each. This transaction took place in December, 1900. I also made mention of expenses incurred during February and March, 1901, in taking the same parties back to Oregon City and Albany, when they made final proofs; date of transfer by deed to Emma L. Watson, showing amounts paid to each entryman; dates and amounts paid to J. A. W. Heidecke for showing Special Agent Loomis and Forest Superintendent Ormsby the alleged improvements on the various tracts; dates upon which Loomis received the sum of $1,000, in two $500 payments; date that $500 was paid to Merritt Ormsby, son of the Forest Superintendent, for the benefit of his father; expense account of my trip to Washington City and return, together with the payment of $2000 bribe money to Senator Mitchell. This latter entry appeared in the book as a payment to "Cap.," the term being used to designate the point where the expense was incurred.

After relating my story, one of the jurymen requested permission to examine the book, which I handed him, and after looking it over carefully, more particularly with reference to entries on that certain page containing all transactions concerning township 11-7, he passed it to the next juryman, and in that manner the book went the rounds.

I was then subjected to a cross-fire of questions from all directions, the jurymen, if anything, being as deeply interested in obtaining the bottom facts as Mr. Heney himself, and what one did not think of, another would, and in this way they drew out of me practically everything connected with the fraudulent transactions.

During the course of my examination, I was questioned closely relative to my motive in using the term "Cap." as applicable to the amount paid to Senator Mitchell, as it was noted that I had written the names out in full wherever they occurred in other entries.

As a reply to these queries, I simply stated that I did not wish to take any chances of doing the Senator an injustice in case anything should ever arise whereby the book might get into the possession of someone else. In other words, I had no desire to compromise him in any way at the time I made the entry. I admitted that greater precaution should have been observed by me in connection with other names, but I was particularly anxious to shield Senator Mitchell as much as possible on account of the position he occupied.

In order that my readers may properly understand the interest displayed by the jurymen, I desire to state that my recital began at 10 o'clock in the morning and was not concluded until after 11. Notwithstanding the fact that I had finished, I was detained in the jury room until 1:45 P. M., the members foregoing their luncheons for the time being in their eagerness to obtain all the facts. During this time I was questioned closely by every member of the body.

I perceived at the outset that Senator Mitchell had many personal friends on the jury; men who would gladly have stretched a point in his favor, had circumstances permitted; so it is not to be wondered at that these men were intent on holding me there, that they might, by some possible chance, stem the tide that was fast setting against their old-time political idol. The evidence was all too-convincing, however, and it was not very long before the most pronounced adherent of the distinguished Oregon statesman was willing to cry quits.

Some days later I was called upon by Mr. Heney to appear again before the Grand Jury, this time to give testimony in the case of F. Pierce Mays. My experience upon this occasion varied materially from that of my first appearance, inasmuch as it required less than half an hour to convince the body that Mays was a fit subject for indictment on the charge of conspiracy to defraud the Government in connection with the 24-1 deal.

It might be stated, also, that Senator Mitchell was later on granted the privilege of appearing before the Grand Jury in his own behalf, while Mr. Mays, although making an urgent request to be accorded a similar courtesy, was denied this privilege, it being discretionary with the Grand Jury to extend it or not, so the presumption is that all the members were desirous of affording every opportunity for the Senator to clear his skirts of all charges.

After Senator Mitchell had concluded his testimony before the Grand Jury, he started immediately upon his return trip to Washington, as he had been obliged to leave his seat in the United States Senate in order to appear and give testimony in his own behalf, and it was while en route across the continent that the news of his indictment became known. It reached him at Spokane, Wash., where he was interviewed by a representative of the Associated Press, and through which medium his expressions were heralded all over the country. In the course of this interview he said:

"I never saw Puter in my life until he called on me in Washington with a letter of introduction from Franklin P. Mays, a friend of mine in Portland. In helping him before the land office, I did what I had done for a thousand citizens of Oregon. He told me that he had been employed by Mrs. Watson, as I recall it now, to look into her matters for her. Never in the slightest degree, was the matter of compensation mentioned between Puter and myself.

"I am as innocent as a babe unborn of any complicity in any land frauds in Oregon or elsewhere, and if it is true that an indictment has been returned against me, I assert in the most positive terms that it must be based upon the testimony of self-confessed and convicted land thieves and perjurers, who have been offered immunity in case they, to meet the vindictive desire of Secretary Hitchcock and his agents, will, by their testimony, involve me and others in the frauds.

"The prosecuting officer, Francis J. Heney, filled the newspapers of the United States with press dispatches from Portland ten days before the Grand Jury met, to the effect that I was involved in land frauds. I immediately left Washington for Portland to answer any charges made against me before the Grand Jury, and I wired Heney that I desired the privilege of going before the Grand Jury to answer any charges against me.

"On my arrival in Portland, I made a similar request of the foreman of the Grand Jury. I was told by Mr. Heney that I could go before the Grand Jury. Upon my appearance there, I was told by Heney that no evidence had been submitted to the jury against me. I then said that if there was no charge against me to answer, I was still ready to submit to any examination. This I did for two hours and a half, and answered promptly all questions. I was not advised as to what the charge against me was, and assured the jury that I was ready and willing to answer any other questions which either Heney or any member of the jury might wish to ask me, and especially did I desire the privilege of answering any charges that might be made against me by any witness.

"Having been assured that no such evidence, up to that date, had been submitted, I then remained in Portland, and for four days after that, and receiving no word from either Heney or the Grand Jury, the latter being in session all the time, I left Portland last evening for my post of duty in Washington.

"If an indictment has been returned against me, I am prepared to meet it before a trial jury immediately, and, in this connection, I defy the prosecuting officer to produce against me one particle of evidence worthy of a moment's belief which in any manner improperly or criminally connects me with any land frauds, or with any confessed criminals.

"I demand a trial at the earliest possible moment, and I will return to Portland whenever I can be assured by the prosecuting officer of an immediate trial.

"I denounce this prosecution against me as the result of a most damnable and cowardly conspiracy in which Secretary Hitchcock and this man Heney are the chief conspirators, their motive being partly revenge and partly politics.

"This man Heney is a California Democrat, who is trying to blacken and destroy the character of leading Oregon Republicans. That there has been land frauds in Oregon, I do not deny, but speaking for myself, I do deny, in the most positive and unqualified manner, that I have been in any wise, either directly or indirectly, connected therewith, or received any benefit therefrom."

NOTE: The above speaks for itself. Senator Mitchell, however, in making this statement, evidently had in mind that the money paid by me was handed him in two $1000 bills, and not by check or draft; therefore no documentary proof could be presented in evidence against him by me. He failed to reckon on his transactions with Fred A. Kribs and the services rendered him, for all of which Kribs settled by check, and which cancelled checks, being placed in evidence, together with an abundance of other evidence submitted at the trial, resulted in Senator Mitchell's subsequent indictment and conviction.

Senator Mitchell continued on his way to Washington City, and lost no opportunity to denounce and villify me while being interviewed en route by Associated Press representatives, which resulted in my being advertised throughout the United States as the defamer of his character and the one responsible for his indictment.

The public, in the meantime, was very much divided as to the guilt or innocence of Senator Mitchell, some contending that there was probable cause for the indictment, while others were very positive that such was not the case; that Mitchell was a man of established character, and altogether above reproach, and besides, was too acute as a lawyer to permit himself to become entangled in a shady transaction that might ultimately mean ruin.

Portion of 5,000 acre tract of timber land in Tillamook County, Oregon sold in 1898 for $4 an acre, and now held at $100 per acre

And so the matter stood: some for and some against Mitchell, with the preponderance of public sentiment in his favor.

The opinion of the general public, at that moment, was of little consequence to me. I knew, as a matter of fact, that Senator Mitchell was guilty as charged, and I believed that, in due time, every statement that I made before the Grand Jury would become established, and eventually appear to all as a living truth. As time rolled on, however, it was evident to me that the Senator was gaining ground in the public mind, and as a natural consequence, I came in for additional condemnation. This condition was becoming more pronounced daily, and finally, when Senator Mitchell made his famous speech before the United States Senate, at which time, as is well-known, every Senator was in his seat, with the galleries crowded to their utmost capacity, and after two hours of impressive defense was applauded to the echo, it was plain to be seen that I stood convicted, in the estimation of the public, of trying to drag the distinguished statesman's name into everlasting mire.

My position was certainly an unenviable one, as the speech of Senator Mitchell had placed me in contempt of some of my old-time friends, as well as in the eyes of the world at large.

When the Oregon State Legislature, which was then in session, unanimously adopted resolutions indorsing Senator Mitchell, it appeared, for the time being, that the last nail had been driven into my coffin. I even felt considerable diffidence about appearing upon the streets of Portland, because whenever I did I was sure to be accosted with the remark, "What did you mean, Puter, by lying so about Senator Mitchell and causing his indictment?" while others were equally as severe in their comments concerning my action. It finally came to pass that well-known acquaintances would go disdainfully by me without even the slightest token of recognition, as if shunning contamination with one so vile as myself.

As an illustration of the idea, I append herewith extracts from the Senator's speech, which occupied two hours in delivery, together with the full text of the resolutions of confidence adopted by the Oregon Legislature:

ANSWER
of
SENATOR JOHN H. MITCHELL,
of Oregon,
to
CHARGES MADE AGAINST HIM.

REMARKS IN THE SENATE OF THE UNITED STATES, JANUARY 17, 1905.

PERSONAL EXPLANATION.

MR. MITCHELL: Mr. President, I arise to a question of personal privilege.

The PRESIDENT, pro tempore: The Chair recognizes the Senator from Oregon for that purpose.

MR. MITCHELL: Mr. President and Senators: Recent events, with which you are all familiar, make it incumbent upon me to come into your presence at this time and make answer to charges made against me in the public press and by a Grand Jury, and which charges, if true, unfit me to occupy this seat longer.

The charges, as spread broadcast through the public press, throughout the length and breadth of the United States—and this is in substance and effect the indictment reported—are to the effect that in January, 1902, in the State of Oregon, I entered into a conspiracy with Binger Hermann, the Commissioner of the General Land Office, and with one, S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis, William H. Davis, and others, to defraud the United States out of a portion of its public lands, situated in Township 11 South, Range 7 East, Willamette Meridian, in the State of Oregon, by means of false and forged applications, affidavits and proofs of homested entries and settlement; and further, it is charged, that in furtherance of said alleged conspiracy, and to effect the objects thereof, said S. A. D. Puter did, on the 9th day of March, 1902, pay and deliver to me the sum of $2000, in money of the United States, the same being paid to me, as asserted by Puter, in the bills of the denomination of $1,000 each, to induce me to use my influence as a Senator with the said Binger Hermann, Commissioner of the General Land Office, to induce him, as such Commissioner of the General Land Office, to pass to patent 12 homestead entries, then pending before the General Land Office, covering lands in the State of Oregon, and each and all of which entries, it is alleged, were based upon false and forged homestead applications, affidavits, and proofs, and that in pursuance of such conspiracy, it is alleged, I did use my influence with said Binger Hermann, Commissioner of the General Land Office, to induce him to pass to patent said 12 homestead entries, knowing they were fraudulent.

These are the charges made against me, and which I am called upon to answer. My answer is as follows:

I assert in the most positive and unqualified manner, that each and every one of these charges, insofar as they relate to or involve me, are absolutely, unqualifiedly and atrociously false, and I here and now indignantly and defiantly denounce their authors, and each and every one of them, and brand them publicly as malicious and atrocious liars.

But I desire to be more specific, and therefore I further deny, in terms the most absolute and unqualified which I am capable of using, that I ever, either in the month of January, 1902, in the State of Oregon, or at any other time or place, unlawfully or feloniously, or otherwise, conspired with Binger Hermann, then Commissioner of the General Land Office, and S. A. D. Puter, Horace G. McKinley, D. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis, and William H. Davis, or with either or any of them, or with any other person or persons, to defraud the United States out of any part of its public land, located either in Township 11 South, Range 7 East, in the State of Oregon, or any other public lands either in the State of Oregon or elsewhere.

I assert furthermore, in the most absolute and unqualified manner that any and all statements by any person or persons to the effect that I ever, at any time or place, entered into a conspiracy with all or any of said persons, or they, or any of them, with me, to defraud the United States out of any part of its public lands in the State of Oregon or elsewhere, either by false or forged homestead applications, affidavits, or proofs, are absolutely, unqualifiedly, and atrociously false, and I defy my defamers and challenge them to produce any evidence, other than that of condemned thieves, forgers, and perjurers, to sustain any such charges.

I further deny, in the most absolute and unqualified terms, that said S. A. D. Puter did, either in the City of Washington, on March 9, 1902, or at any other time or place, offer me, or pay to, or give me—nor did I on March 9, 1902, in Washington, D. C., or at any other time or place, accept or receive from S. A. D. Puter—the sum of $2000 or any other amount whatever, either in two $1000 bills, or any other denomination or amount whatever, as an inducement to use my influence with Binger Hermann, then Commissioner of the General Land Office, to induce him as such Commissioner to pass to patent 12 certain homestead entries, or any homestead entries whatever, or for any other purpose.

And I here indignantly, with all the force I can command, denounce the public statement of S. A. D. Puter, that he, on March 9, 1902, at Washington, D. C., paid me $2000 in two $1000 bills, as wilfully, maliciously, unqualifiedly, and atrociously false, and I denounce the said S. A. D. Puter—this self-confessed and duly convicted land thief, forger, and perjurer, who, with his associates, facing the penitentiary, as having under promise of leniency or clemency, made by Francis

Foothills of the Big Horn Mountains in Wyoming, located by "dummies" as timber land

J. Heney, prosecuting officer representing the Government, made this infamous and atrociously false charge against me for the purpose and with the expectation of saving himself and his convicted partners in crime from deserved punishment.

Verbatim Copy of Resolutions Adopted by the Oregon State Legislature, in Session Wednesday, February 8, 1905:

WHEREAS, A rumor has been circulated to the effect that the Legislature of the State of Oregon intended at the end of a 40 days' session to adjourn to a day certain instead of adjourning without day, and that such action was to be taken on account of want of confidence in the Senior Senator from the State of Oregon, Hon. John H. Mitchell.

WHEREAS, Said rumor was wholly without foundation therefor.

WHEREAS, The State of Oregon is under a lasting debt of gratitude to our Senior Senator for long years of faithful, honest and efficient service.

WHEREAS, During all of those years of public service no charge has been made detrimental to the personal honor or integrity of the Senior Senator until his recent indictment by the Federal Grand Jury.

WHEREAS, This Legislature, believing in the personal honor and integrity of our Senior Senator, and desiring to express to the world our belief in his innocence,

RESOLVED, By the Senate, the House concurring, that this biennial session adjourn without day on the 17th of February, 1905, not later than 6 P. M.

RESOLVED, That we declare our continued faith in the honesty, honor and integrity of our Senior Senator, Hon. John H. Mitchell, and that we at this time extend to him a vote of thanks for the 22 years of faithful service by him rendered to our State and Nation, and hereby record our hope and belief that his good name and the fair name of our State will be cleared from any charge of any nature whatsoever.

When all this came out, it appeared to me, and I was convinced at the time, that even Prosecutor Heney himself questioned the truth of my statements; and

I was quite sure, beyond the question of doubt, that many of the Grand Jurors who indicted Senator Mitchell had changed their minds and believed they had made a great mistake, and one for which they could never atone.

Never a day passed but what I would be accosted by one or more of these men, every one of whom was of the opinion that a great wrong had been done Senator Mitchell, and they were not backward in telling me that I would make a fine subject for a coat of tar and feathers unless I could substantiate every word of my statements before them. In other words, I must prove my case, for just as sure as Senator Mitchell is acquitted, just so sure shall I get all that is coming to me.

The conditions, as presented to me by my friends and the public at large, were assuming a very serious aspect. I knew that I had told the truth—the whole truth, in fact—but at the same time a feeling of unrest came over me, and I feared for the outcome of Mitchell's trial, as I was forced to believe, because of the tremendous influence which would be brought to bear, and of public opinion, which was almost unanimous in favor of the Senator, that he would not be convicted upon my testimony.

I had really no desire to cause Senator Mitchell's downfall, up to the time of his denouncing me after he learned of my conviction. Before that date, I entertained only the most kindly feelings towards the old gentleman; but he had spoken unadvisedly, most severely and with apparent intent to cause me additional worry and annoyance; and now, that I had turned against him in a spirit of retaliation, and had presented the evidence which I knew, of my own certain knowledge, to be true, but which, because of the condition of the public mind, was not sufficient to convict, I must, of necessity, fortify my position with additional proof, and that, too, of a most convincing character, else I must retire from the scene in utter contempt of all mankind.

The one thought uppermost in my mind was, how am I to produce additional evidence? This question I had debated with myself over and over again. It rose up before me constantly like Banquo's ghost, and would not down. It must be done—but how? Finally a thought struck me—the Senator had accepted money from a friend of mine, the latter having called upon him at my suggestion, at which time arrangements were entered into between them whereby Senator Mitchell was to receive the sum of $25 for each and every patent expedited by him.

This man was Frederick A. Kribs, Pacific Coast representative and financial agent of C. A. Smith, the millionaire lumberman of Minneapolis, Minn.

As a matter of fact, I was familiar with Kribs' method of doing business, and was aware that in all transactions involving the use of money, he invariably made his payments by check drawn on a certain local banking house where he kept his deposits. It only remained for me to force Kribs into a position where he must testify as to his relations with Senator Mitchell, in which testimony he would be required to make mention of all moneys paid to the Senator for his services as indicated, and in substantiation of his statements relative to such payments, must produce the cancelled checks, which bore the indorsement of Senator Mitchell or his firm, which would become documentary evidence of the most convincing nature.

I then called to mind a certain deal I had with C. A. Smith, which was consummated through his agent Kribs, whereby Smith became possessed of title to 33 quarter sections of timber lands in Township 14 South, R. 3 and 4 East, in Linn county, Oregon, full details of which may be found in a preceding chapter.

At the time of transfer of these claims, it was then that I advised Kribs to tie up with Senator Mitchell in the matter of having the patents pulled out, which he agreed to do. Later, when I called upon Mr. Smith in Minneapolis for the purpose of effecting a settlement, the sum of $25 was deducted by Smith on each and every claim, and when I asked for an explanation, he stated that this amount had been paid to Senator Mitchell by his agent Kribs, in Portland, Ore., for his services in expediting the patents. I objected at the time to standing the amount named, as I did not consider that this item of expense should be charged against me. Smith, however, insisted upon my bearing the whole thing, and while it was a hold-up, pure and simple, I became reconciled to it upon the basis that he was a heavy timber land operator, and inasmuch as I expected to do further business with him, the opportunity might be afforded me in due time of squaring accounts in some way.

After reviewing these incidents in my mind, I decided to adopt some process of forcing Kribs to produce this evidence, thereby vindicating my own position before the public as much as possible.

I then called to mind the gigantic frauds perpetrated by Kribs in the matter of acquiring title to vast tracts of land, not only for Smith, but for other Eastern capitalists and speculators as well, in all of which operations since his acquaintance with Senator Mitchell, it is presumed that the latter received his $25 bonus upon each claim patented through his efforts and influence as a United Sates Senator.

Under the circumstances, I felt that there must be some way of forcing Kribs into the open, and while I had no desire to besmirch his name in any way, notwithstanding the fact of his refusal to go upon my bond, or of his desertion in my hour of need, I was willing to forego the rebut in his particular case, provided, however, that in overlooking him, which was viewing the matter from a purely friendly standpoint, I would not be driven into a still more compromising position myself. I found, after a careful canvass of the situation, a plan to make Kribs divulge the desired information, but it became necessary for me to arrange my plans in such way that he would have no possible chance to sidestep me at the critical moment. In other words, it became necessary for me to get the dope on Kribs, personally, and then, through promise of immunity from punishment, compel him to give up on Mitchell.

In order to accomplish my ends, I decided that it would be necessary for me to appear before the Federal Grand Jury again, and to give testimony that would warrant indictments being returned against C. A. Smith, as well as Kribs.

I believed this within my power, and at the same time, I considered it possible, in the event of Kribs telling the whole truth relative to his dealings with Senator Mitchell, that I could, at some later date, bring sufficient influences to bear to secure the quashing of these indictments. My first step, therefore, if I hoped to accomplish my purpose, was to call upon Special Prosecutor Heney with a view of feeling his pulse, in a way. Upon entering his office, I said:

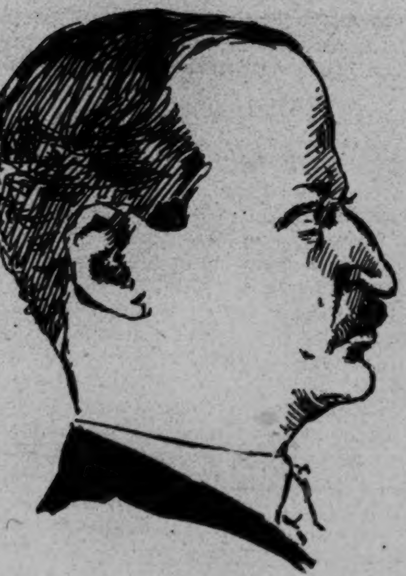
"Mr. Heney, during the course of your argument at the time of my trial in the 11-7 case, you remarked that there was no man too big, nor were there any too small, to escape prosecution by you, if it could be proven that he was guilty of committing fraud against the Government, and further, that you would prosecute the President of the United States himself if the crime was traced to his door. Did you mean that?"

"I certainly did," responded Mr. Heney; "and if you or anybody else can produce the evidence, I am ready to proceed."

"Very good," said I. "I know of a man, C. A. Smith, of Minneapolis, Minn., reputed to be worth millions, who has defrauded the Government out of upwards of 100,000 acres of timber lands in this State within the past four years, most of which was taken up under the Timber and Stone Act of June 3, 1878, by the process of 'dummies' operated through his agent, Fred A. Kribs, the hired locators being furnished the cash necessary in meeting all expenses by Smith and Kribs, and being under contract with the latter prior to filing whereby they were to turn over their claims to them as soon as they got title."

"Just furnish me with a list of names of these entrymen, together with a description of the tracts," replied Mr. Heney, "and I will commence proceedings immediately."

I thereupon related all of the circumstances connected with the transfer of the 33 claims in Township 14 South, Ranges 3 and 4 East, heretofore described



Clerk J. E. Casey, of the General Land Office, an important witness for the Government at the trial and conviction of Senator Mitchell

in detail. I also informed Mr. Heney that I had full knowledge concerning between 75 and 80 claims, or quarter sections of 160 acres each, located in Coos and Douglas counties, Oregon, which were acquired by Smith in a similar manner to those referred to.

He was very much interested, and desirous of learning full particulars. I did not, of course, disclose to him my real object in bringing these cases to the light of day, which, as my readers may surmise, was for the purpose of forcing Kribs to show his hand in order to strengthen the case against Senator Mitchell.

I then furnished Mr. Heney with a complete list of names of the entrymen, together with full descriptions of the lands involved, after which he wired to the General Land Office at Washington for all final proof papers and other documents pertaining to the titles.

Upon their receipt at his office in Portland, the proof papers were immediately turned over to William J. Burns, of the Government Secret Service, with instructions to round up all the entrymen, or as many of them as could be found, and to subpoena them to appear before the Federal Grand Jury and give testimony.

Burns at once dispatched his army of assistants to all parts of the State, wherever it was likely one or more of the entrymen could be found, the majority of them being unearthed at Sweet Home, a remote district of Linn County, Oregon, while a number were gathered in from around Roseburg.

As fast as they were served with subpoenaes, their future movements were carefully watched by Secret Service men from the very moment that service of subpoena was secured until their arrival in Portland, and up to the time for their appearance before Burns and making their affidavits. These precautionary measures developed the fact that some 25 or 30 of the entrymen, who had been subpoenaed from Sweet Home, had first consulted the two Mealey Brothers of that place previous to going to Portland, their object being, as it was discovered afterwards, to apprise the Mealeys of the situation and receive instructions, as it will be remembered that it was through the Mealey brothers that they had filed locations in the interest of Smith.

The presumption was, when the Government officers became cognizant of what was going on, that the Mealeys advised the entrymen to report to Fred. Kribs in Portland before appearing before Heney and Burns, and these deductions proved to be correct.

It was also ascertained that the entrymen from Roseburg first called upon John Givens, of that place, who was acting there in a capacity similar to the Mealeys in Sweet Home—that of handy man for Kribs, who, in turn, was Smith's right hand bower in the matter of the fraudulent acquisition of timber lands.

When the Sweet Home and Roseburg contingents arrived in Portland, they immediately reported to Kribs at his residence, 24th and Irving streets, as was suspected they would do, each remaining in consultation with him from one to two hours. These visits usually took place some time during the evening, immediately preceding the day they were expected to appear before Heney, and in this way they were known to have gone there in groups of from one to six at a time, and in some instances as high as eight or more were entertained by Mr. Kribs simultaneously.

As rapidly as they appeared at Heney's office, they were turned over to the tender mercies of Detective Burns, who would proceed in a good-natured way to draw out of them what purported to be the facts connected with their location of the timber claims. This sympathetic feeling was all assumed by Burns, however, for the purpose of leading them into a trap, as he was perfectly aware from the very beginning that they were making false affidavits, and it will be shown subsequently how their own statements under oath were used as a leverage to force them to tell the truth.

Burns would proceed by asking them to state their name, age, residence and occupation; how they first came to file on the land; if it was through their own knowledge, or information they had gained from some other source, and if the latter was the case, by whom they had been located. He would then ask them if they had entered into any previous contract under which they were to sell the land to anybody after the issuance of final certificate; if their own money had been used in making payment, and if not, from whom the money was obtained, and if, in event of its being borrowed, they had in any wise incumbered the land; also, if they had taken the land up expressly for their own use and benefit, and for the use and benefit of no other person or persons whomsoever.

They were next asked if they still retained title to the land, and if not, to whom it had been disposed of, and for what consideration. Also if they had appeared before any Special Agent of the General Land Office after making final proof for the purpose of making affidavit regarding their entry, and if so, before whom they had appeared, and the nature of such affidavit.

These questions being asked, and the answers given, were each in turn taken down in shorthand by Irvin Rittenhouse, Mr. Heney's private secretary, and were later reduced to typewritten form. In the meantime, each affiant was directed to appear again later in the day for the purpose of subscribing to his affidavit, and being sworn.

Upon their return, Burns would hand each witness his statement, with instructions to carefully examine same, and note that every answer therein was true and correct, as it would become necessary for all to be sworn, as well as appear before the Grand Jury and answer these questions under oath.

Before permitting the entrymen to attach their signatures and be sworn, however, Burns would invariably read them the law relating to perjury, and the penalty for such crime as prescribed by the United States Statutes, at the same time cautioning them not to attach their signatures unless each satement was absolutely true. It is a fitting commentary that not one of them hesitated in the slightest degree to attach his signature to what he knew to be a tissue of falsehoods.

In the meantime, Mr. Heney was on the anxious seat for results, and it was plainly apparent that he was disappointed in the progress being made by Burns to break down the entrymen. While Burns had succeeded in obtaining a large number of affidavits, Heney was convinced that the evidence thus adduced was not of sufficient value to warrant its introduction before the Grand Jury, if there was any hope of securing indictments.

While these affidavits were being taken, I was in an adjoining room, and after a number of them had been collected, I perceived, in reading them over, that not a single person had told the truth. These entrymen, with many of whom I was personally acquainted, had no knowledge of my interest in the matter, little thinking that I was in the background and keeping in touch with all they had said, and everything that was being done. Had they realized the real situation, knowing as they did that I was familiar with every phase of the fraudulent character of their claims, including their contract to convey the lands to Fred Kribs for the benefit of C. A. Smith, perhaps they would have hesitated somewhat before committing such rank perjury.

While these examinations were taking place, and something like 35 or 40 of the entrymen had given their testimony and had signed the false affidavits, I happened into room 212, at the Portland Hotel, where Heney had his office, and was handed a certain statement by Mr. Rittenhouse which he had just completed writing, but which had not yet been signed. It had been made by Allie Houser, a young man from Roseburg.

Upon reading this statement, I informed Burns, who was present, that I desired to question Houser somewhat after he had attached his signature to the document and had been sworn thereto. Burns, in assenting to the proposition, remarked that Houser would probably be in to sign it about 5 o'clock that evening.

Promptly upon the hour young Houser appeared, and was handed his statement by Burns, with the usual injunction to peruse it carefully before signing, so as to make sure that it was strictly true and correct. I had not been introduced to him, so he had no idea as to my identity, and, as I occupied my time by pretending to read a newspaper, scarcely any attention was paid to me.

After reading the document, the young man pronounced it all right, declaring that he found no changes to make, and was about to affix his signature when Burns addressed him in this fashion:

"Mr. Houser, you are a very young man, and before signing that statement, I feel that it becomes my duty to caution you still further. You must bear in mind that you are making a sworn statement, and one which, if found to be false in any particular, renders you liable to prosecution. I must insist, therefore, that you exercise extreme care, and make no statement therein that is not absolutely correct. Furthermore, I wish to state that you will be required to appear before the United States Grand Jury and give testimony to that body under oath as to the truth of every answer you have made to the questions in that document before you."

The young man put on a bold front, and expressed a willingness to sign the paper exactly as written, remarking that every word contained therein was true. He thereupon attached his signature, and he had no sooner done so than Burns turned to me, and without mentioning my name, said:

"Have you anything to say to this young man?"

"Anything to say?" I repeated; "well, I should say that I have!"

Then addressing Mr. Burns, I inquired for Mr. Heney, and upon being informed that he was in the next room, requested his presence.

When Mr. Heney came in, I picked up the affidavit that Houser had just signed, and remarked:

"Mr. Heney, I have sat here and witnessed this young man sign his statement, which, as it stands now, is his sworn affidavit. I was present when Mr. Burns, before permitting him to affix his signature, cautioned him concerning the consequences if it was found that he had committed perjury, and I listened to his declaration to the effect that he had read the statement carefully, found no omissions or mistakes, and that it was absolutely true."

"Have you any reason for believing otherwise, Mr. Puter?" inquired the Government prosecutor.

"To believe otherwise?" I echoed. "Why, I not only believe it, but I know as a positive fact, that every statement contained in that affidavit, outside of the portion relating to the young man's name, address and occupation, is an absolute falsehood from beginning to end. Not one word of it is true. It appears to me, Mr. Heney," I continued, "that this young man does not properly understand the nature of an oath, else he never would have permitted himself to sign that document. It looks, indeed, that he is determined to break into the penitentiary, where he will very probably land, if he continues to insist upon the truth of this affidavit."

Mr. Heney, remarking that he would like to explain to the young man the penalty for making a false oath, picked up one of his law books, and read therefrom the statute relating to the crime of perjury, the extreme penalty for which was imprisonment for a term of five years. After Mr. Heney had concluded, I walked up to Houser, and looking him squarely in the eyes, said:

"Young man, I know the circumstances surrounding your connection with this claim—I know all about it, in fact, from A to Z, and I know, as I have just stated to Mr. Heney, that when you swore to it before Mr. Burns, you did so knowing that it was false from beginning to end. Now, sir, that claim, to my certain knowledge, is known as the 'Josephine Jacobs Claim,' and was taken up originally by her through me something over three years ago. Miss Jacobs made final proof and sold the claim to Fred. A. Kribs. The entry was later suspended by the Commissioner of the General Land Office, for the reason that, upon examining the papers, it was discovered that she was under the age of 21 years when the final proof was made."

(Note:—It might be stated, incidentally, that at the time of making her final proof on this claim, Miss Jacobs was asked by the Register of the Roseburg Land Office if she was of age, and received an affirmative answer, she being under the impression that 18 years constituted lawful age. Under the laws governing the acquisition of Government lands, however, a person must be 21 years old at the date of entry. Special Agent Loomis—of 11-7 notoriety—had been sent to investigate the fraudulent character of the 33 entries embraced in the Township 14 South, Ranges 3 and 4 East, deal, heretofore referred to, and while securing an affidavit from Miss Jacobs, had asked her to state her age, which she then declared was 20 years. The discrepancy was discovered in the General Land Office, and the entry was suspended accordingly, Miss Jacobs being allowed 60 days in which to show cause why her entry should not be cancelled.)

"You will perceive now," I continued, "that I know something about that claim of yours, and when I received information relative to its cancellation, I advised Mr. Kribs of the situation, and requested that he get someone else to file on the land immediately, whereupon he informed me that his locator, John Givens, had met you on the streets of Roseburg, and told you that if you would file on this particular tract, he would furnish you with the necessary funds with which to prove up, and give you a bonus of $100 for your right as soon as final proof was made. You acquiesced in this arrangement, and carried out your portion of the agreement to the letter. I know, also, Mr. Houser, that after your conversation with Givens you proceeded at once to the Land Office up stairs, where you filed an application for the land without ever having seen it, although you made oath that you had been over each legal subdivision thereof.

"On account of the interference of the Josephine Jacobs claim, which had not yet been cancelled, your application was rejected, whereupon I secured her relinquishment and forwarded it to Givens, who filed it in the Land Office simultaneously with your application, and the latter was then placed on file.

"Givens not only attended to advertising your notice of final proof, but also furnished the witnesses and money necessary to make all payments, and everything that you did in connection with the matter was to appear before the Register of the Land Office and make oath that you had been over the land; that

A glimpse of the High Sierras, from an elevation of 8000 feet

it was taken up for your own use and benefit, and that you had paid for it with your own money, knowing at the time that you had perjured yourself. Immediately after you had sworn to that pack of lies you went into the office of Frank E. Alley, adjoining, and there executed a deed to the land in favor of Frederick A. Kribs, without inserting any date."

During the time I was relating to the young man, in the presence of Heney and Burns, the facts connected with his entry as I knew them to be, I could see that he was visibly affected, and especially so at the close of the recital, when his face assumed an ashen pallor, and his whole frame trembled like an aspen leaf. For a time he was unable to find voice, but finally managed to arise from his seat, and grasping Burns by the hands, with a look of utter despair, begged for mercy in the most piteous manner possible.

"This is the first time in my life that I have ever sworn to a lie," he said, with tears trickling down his cheeks; "and now, what am I to do? Oh, my poor wife, with her two-days'-old babe! She will hear of this, and I am disgraced forever!"

With that remark, Mr. Heney and myself, being of a common mind in not wishing to add to the humiliating spectacle, quietly withdrew to an adjoining room, leaving the young man alone with Burns.

Through the door we could overhear the famous detective giving Houser some fatherly advice, assuring him that all he wanted was the truth, but this he must have above all things. Feeling greatly encouraged by Burns' talk with him, the young man made a complete confession of his entire connection with the case, along the lines indicated in my harangue to him, and after signing and attesting his amended affidavit, took his departure with the air of one from whose soul the weight of a great sin had been lifted.

About this time the two Mealey brothers, who had located between 45 and 50 entrymen on timber claims in the interest of Kribs, paying them the insignifican sum of $50 each for their rights, put in an appearance, they having been subpoenaed previously to appear before the Federal Grand Jury and give their testimony.

These two men proved to be hard nuts to crack, as they refused to answer any questions that might involve them, or give Burns any satisfaction whatever in the matter of signing affidavits, stating that they preferred to give their evidence direct to the Grand Jury.

As they had been trailed from the time of service of subpoena, it was ascertained that they were in frequent conference with Kribs, and would intercept every Government witness that had been summoned from the Sweet Home country as soon as he reached Portland, and coached as to the testimony to be given before Burns and the Grand Jury.

This they had continued to do from day to day, but as they were being "shadowed" constantly by Secret Service men, who had reported their every movement, no concern was felt on this account, as each day, because of their coarse work and anxiety to aid their master, only served to entangle them more hopelessly in the meshes of the law.

As the different entrymen appeared and made their affidavits before Burns, it was discovered that seven out of a party of eight who had taken up claims at the instigation of the Mealey brothers, had made false oaths, we having positive knowledge that they were stating falsehoods. A typical mountaineer named Andy Nicholls was the last of this bunch to show up, and Burns determined to break him down if possible, by employing the same tactics used in the case of Allie Houser.

"Now, Andy," said the celebrated sleuth, in his most patronizing tone of voice, at the same time slapping Nicholls familiarly upon the back, "I want you to be sure and tell the whole truth about this matter, because I understand you are a pretty honest fellow."

"Yaas," drawled Nicholls, with a pleased expression, "that's what my ole dad told me jest before I left Sweet Home. 'Now, Andy,' sez he, 'Andy, I want yer fer ter tell the truth when you git down yander, becoz it wud break yer poor ole mother's heart if yew said anything that hain't so,' an' hyer I am, an' if I hain't a goin' ter tell ye the truth an' nothin' but the truth, so help me Bob, yew kin shoot me fer a mangy coyote."

"That's good!" responded Burns, gleefully, at the same time striking the quaint mountaineer for a quid of tobacco, just to show that his heart was in the right place, and giving him a 14-karat nudge in the short ribs; "that's the right dope, old man! That's something like! And now, let's get busy, and unload this whole cargo of sin that has been playing hide-and-go-seek with your conscience so long!"

Well, Andy sat down, and with one of his long legs thrown carelessly around in dangerous proximity to a costly piece of statuary, and the other cocked up on Heney's favorite mahogany center table, between deluges of tobacco spit on Landlord Bowers' expensive rugs, proceeded to unlimber one of the choicest bits of romance that any of those present had ever heard. It was certainly a peach, and when Private Secretary Irvin Rittenhouse had finished transcribing it on the typewriter Burns seized the tongs and brought the statement in to me.

It was so uproariously funny that anybody but a blind man could see that the wily Government official did not take him seriously.

After Burns and I had laughed over its contents until there was danger of an apoplectic fit, and I had pointed out certain features of the statement that were notoriously false, Burns took it back to Andy, and laying it down tenderly in his lap, remarked:

"I always heard you were the greatest joker in Linn County, Andy, but I never thought you would try and play any of your pranks on your Uncle Samuel," and poking the uncouth son of the forest in the ribs for about the hundredth time, Burns continued: "I never saw the point of your joke until I got your statement in the next room and compared it with some of my records, and it is too funny for anything. Now, go on, Andy, and don't give us any more of your nonsense!"

"Yaas," replied Andy, still smiling and hitting imaginary bullseyes on the carpet, "I jess thought as how I'd kinder fool you uns right smart an' find out how much yew knew about them air doin's! Waal, here goes now; no more monkey business this time fer sure!"

A typical mountaineer named Andy Nicholls

He thereupon sat down again and dictated a second statement to Rittenhouse, which, while it possessed a certain element of truth, was far from being a recital of all the facts as I knew them to exist. I could see very plainly that it was not the intention of Nicholls to come through with the goods unless he were forced into a corner where there was no escape for him by any other loophole; so I thereupon requested Burns to let me handle him for a while, and put him through the preliminary paces, as it were.

Taking him down the hallway, I lined him up against the wall and proceeded to read the riot act to him in great shape, with the result that when Nicholls returned, he was ready to cough up everything. His story, as embodied in the affidavit which he afterwards signed, was as follows:

"About the time those lands were being taken up for C. A. Smith, through his agent, Fred A. Kribs, of Portland, I learned that the Mealey brothers were paying $50 each for persons to take up claims, and as I thought that I couldn't make money any easier than that, I called on the Mealeys and asked them if I could get in on a claim, and if so, what would they pay me.

"Jud Mealey told me that he expected to take a party of fellows to Oregon City the next day to file on some timber claims, and if I wanted to go along I could do so; that he was paying the expenses of the trip and the filing fees, and at the time of making final proof, would furnish the money for that purpose also, and at the same time would pay me a bonus of $50 for a deed to the claim. I thought that would be all right, and concluded to join the party, and the next day we all went together to the Oregon City Land Office. Those in the party besides myself were Farmer Malone, Thomas Burgett, Henry R. Slavens, J. Gilliland, George W. Slavens and O. J. Mealey.

"At Oregon City we filed on the claims, the descriptions of the land being given us prior to our arrival there by Jud Mealey. When we got through there, we returned to Sweet Home, and about six weeks after that, the date set for making final proof, we all went down again to the Oregon City Land Office, and Mealey took the boys down under the big bridge and handed each of us $410 with which we were to pay for the land, and he told us how to answer the questions when we made the proof. We then went to the Land Office and proved up, paying over the money and receiving our final certificates, after which we proceeded across the street to a notary public's office, where we signed deeds transferring our claims. I don't know who we signed the land over to, but as Mealey had told us it was for Fred. Kribs, I suppose he got all the land.

"After this we returned to the bridge again, and after handing our deeds and final receipts over to Jud Mealey, he gave us $50 apiece, besides enough money to take us home on."

When Nicholls had concluded his narrative, Burns seemed much pleased as he believed this story to be true, and expressed the opinion that Andy would make a good witness for the Government, and in appreciation of his action in divulging the whole truth, Burns decided to appoint Nicholls as an assistant in the Secret Service Department, realizing that he would be a valuable man in helping to round up a number of the Sweet Home locators, who had eluded the officers in the first instance, and taken to the tall timber.

In this capacity Andy proved to be of exceptional value to the Government, as he had been born and reared in the Sweet Home country and was thoroughly familiar with every nook and corner; hence it was largely due to his efforts that the entire bunch was finally brought into camp.

The confessions of Allie Houser, of Roseburg, and Andy Nicholls, of Sweet Home, soon became known, which fact caused general consternation among those who had previously appeared and made false affidavits. On top of this came the news that I, too, had joined forces with the Government, and was lending my assistance to Burns in the matter of securing evidence, so those who had been used as "dummies" to make the timber entries decided that the jig was up, and it was only a question of time then as to how they could square themselves. Especially was this the case with those whom I had personally located on claims in Township 14 South, Ranges 3 and 4 East, that were afterwards transferred to Kribs.

These men lost no time in coming to me, and I was frank to inform them of the stand I had taken, and that through me the Government agents had been made familiar with all the facts in connection with the entries, and the subsequent disposition of the claims.

They then asked me for advice as to the best way out of their predicament, and I recommended that they see Burns without delay and make amends by requesting the withdrawal of their former affidavits, with the understanding that they would substitute those which they would be willing to stand by, and which would contain all the facts as they knew them to be.

Some of the more conservative among them took a logical view of the situation, and were quite willing to abide by my recommendations, while the radical and more obstinate element was averse to taking any kind of advice, and seemed disposed to suffer the consequences by standing pat. When it was made plain to them, however, that all their movements had been watched ever since their coming to town, and that the Government detectives had trailed them to Kribs' house, where it had been learned through members of their own party that Kribs had induced them to commit perjury in dictating the answers they should give when they appeared before Burns, and which answers they knew to be false, and that their punishment under felony charges would follow, they began to wince, and 'ere long were willing, to the last man, to go before Burns and follow my suggestions.

The Sweet Home contingent, known as the "Mealey Gang," were also on edge, and skirmishing about for points of vantage, many of them still believing it possible to make good on their original affidavits. Kribs and the Mealey brothers, of course, were straining every nerve to buoy these men up and to hold their confidence, that they might maintain the stand taken.

There were those among them, however, who had talked and advised with their old pal Andy Nicholls, and through him had learned that the Secret Service men were prepared to establish a case against every one in the bunch who had made false affidavit. He had told them of the grilling that had been his portion from Burns up to the time he had made a change of base, and told the truth, after which he had been treated with every kindly consideration. Andy, of course, advised the others to follow his example, and throw themselves upon the mercy of the Government. It was their only salvation, he said, and in his opinion they must act promptly, else they would awaken to a realization of their mistake when it was too late, and they would be forced to take the consequences.

Andy was right, agreed these men. Yes, his head was level, and they must do as he suggested and act at once. But what of their old comrades who were laboring under the impression that to stand pat was their only hope, and were allowing themselves to be carried away by Kribs and the Mealey boys? That was the question, and the thought made them shudder. They hated to entertain the idea of seeing their pals convicted and carried away to prison cells merely to appease the avariciousness of the agent of a millionaire lumberman and a couple of his boss locators. It would never do, and imbued by this determination, they hunted up their comrades, and in as forcible terms as they were capable of employing, related to them the circumstances of Andy Nicholls having made a false affidavit, and of his subsequent withdrawal of the same, and the substitution of one containing the facts, in which he had informed the Federal authorities of every phase of the transaction in which they had all been implicated in fraudulently acquiring the claims for the benefit of Kribs. Then they gave notice of their intention to appear before Burns without delay, and invited the others to follow suit, as with this additional evidence at hand, there was no possible chance of escape for them if they held out any longer.

This conference seemed to work like magic on the minds of those present. They dreaded the thought of turning informants and leaving the Mealey boys in the lurch, and besides, they reasoned, it would work a frightful hardship on Fred Kribs, whom they had all promised to stand by only a few evenings before.

But of their own scalps they must be mindful; there were wives and little ones at home awaiting their return, and it became their duty, since an obligation of some sort rested upon them, to think and act only with a view of protecting their loved ones. Savage as they were, this instinct was uppermost in their minds.

They had all but decided, yet hesitated still, when one of their number whose knowledge of the poets was the marvel of his fellows, quoting from the immortal words of Shakespeare, said: "To thine own self be true; thou canst not then be false to any man." It was enough. To a man they had decided to act, and in this particular instance the little army of entrymen who forged their way to the office of the Government prosecutor required no leader. Their only thought was to get there quickly and shake the burden off their minds.

In this, however, they were doomed to meet with temporary disappointment, as they found, upon their arrival, that they had been preceded by a still greater throng, which had taken complete possession of the three rooms in the Hotel Portland that were used by Mr. Heney as offices.

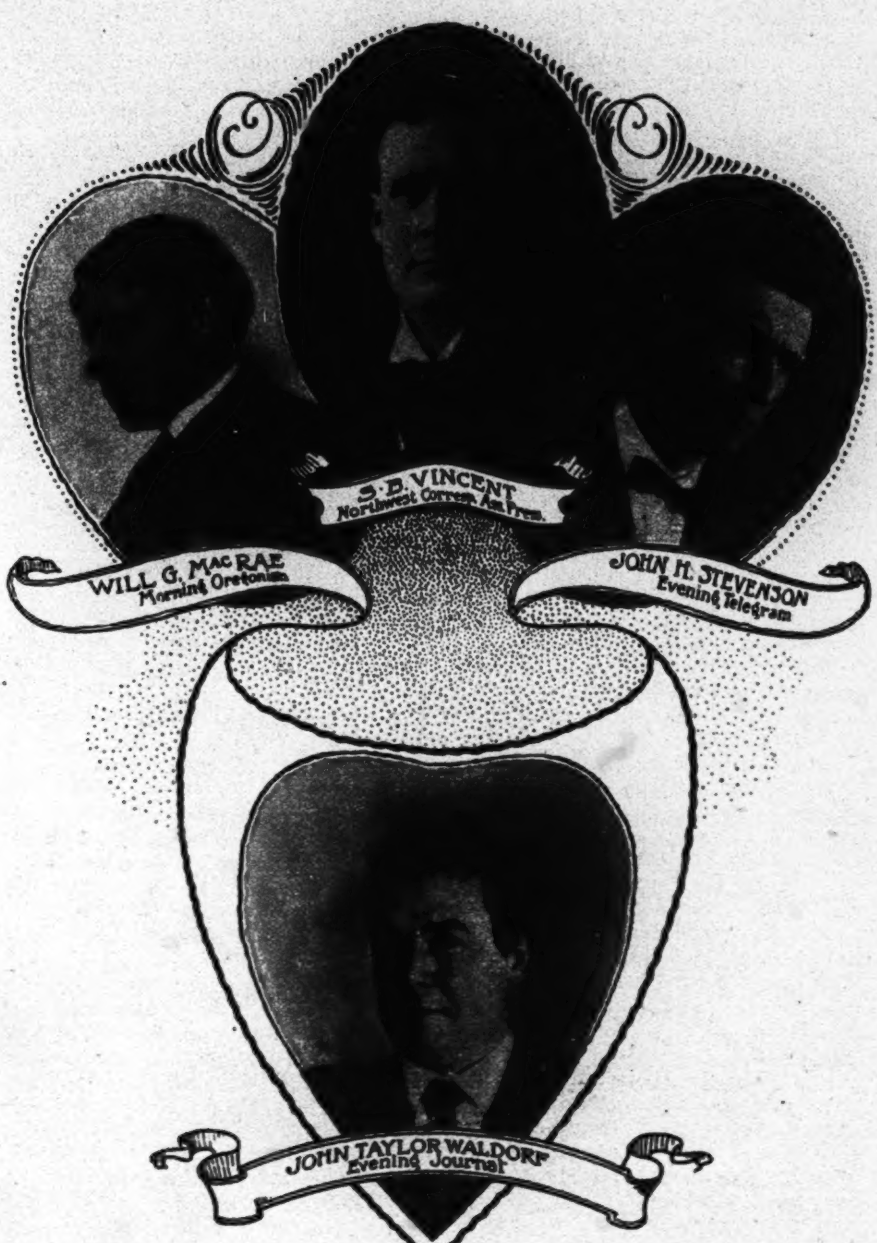
I happened to be there when they commenced to arrive, and was engaged in conversation with Mr. Heney when the first knock for admission was heard. It was rather unexpected, as to time and numbers, as we had no hope of their coming in until later, and then only in straggling groups. Now, however, this avalanche of humanity had forced itself into headquarters, and it must be reckoned with in the calculations. It seemed to be a serious question of determining the rotation in which they came, but that matter was finally disposed of by the establishment of a long line, after the fashion of a postoffice row, which extended from the rooms clear down the hallways, and for days appeared not to have diminished, so much augmented were their numbers by fresh arrivals from time to time.

It was a different story that each of them told on this occasion; so vastly different, in fact, that the wonder was they were related by the same persons. Now it was the truth, where falsity had predominated, and step by step, coil after coil, the Government prosecutors unravelled each skein of the iniquitous deal that was to place its stamp upon C. A. Smith as one of the greatest criminals that ever went unwhipped of justice. In brief, the composite affidavits of these men developed the following situation:

The operations had been carried on under the personal direction of Kribs, who was acting for Smith, in two different land districts, embracing several counties, and geographically divided by many miles. Each group of locators was governed by one or more trusted lieutenants, John Givens, a professional timber cruiser, acting in that capacity around Roseburg, in Southern Oregon, while the two Mealey brothers performed a like service in the Sweet Home region, which included a large territory in the west-central portion of the State.

They were as the divisions of an army of invasion, and the looting of the public domain was their slogan of battle. In this way upwards of a hundred thousand acres of the choicest timber lands in the Northwest was acquired through process of fraudulent entry, the system contemplating the payment of a trifling sum above the Government price of $2.50 an acre to the entrymen for his right—$50 being the ruling rate, but in some instances as low as $15 was all that the poor, unsophisticated mountaineer, to whom a few dollars was as a fortune, received as a reward for his perjury.

It developed also that the Land Department at Washington had become suspicious of the character of these entries, coming as they did in such vast quantities from the same vicinities, and had suspended them all pending investigation; that Special Agents George F. Wilson and Edward D. Stratford had been designated to make such investigations; that about this time each entryman


S. B. VINCENT
Northwest Corresp. Ass. Press.
WILL G. MAC RAE
Morning Oregonian
JOHN H. STEVENSON
Evening Telegram
JOHN TAYLOR WALDORF
Evening Journal

A group of Portland newspaper men who reported many of the Oregon land fraud trials had been advised by either the Mealeys or Givens that one or the other of these Government officers would call upon him and ask him to sign an affidavit indicating that the claims had been taken up in good faith, that had been prepared in advance, and that it would be all right for him to do so; that the entryman would be assured of compensation for his "trouble" in a befitting manner, the recompense ranging from $15 to $50 in each case; that one or the other of the Special Agents did call, as outlined, and would lose no time in getting down to business on the affidavit proposition, asking a few direct questions, of a cut-and-dried character, and then have the entrymen read the document as a whole and sign it accordingly, one of Kribs' representatives following up this proceeding by paying the stipulated price; that after they had been subpœnaed to appear before the Grand Jury, Kribs' representatives had induced them to confer with the latter at his residence in Portland before consulting either Heney or Burns, these visits being for the purpose of determining the character of the evidence they should give; that upon appearing before Heney and Burns they had executed affidavits in accordance with the instructions given them by Kribs, and now, like repentant sinners, had returned to make amends by telling the truth.

As rapidly as these entrymen would conclude their affidavits, wherein they would detail all the facts in connection with the matter, Burns would turn them over to Francis J. Heney, who would have them go before the Grand Jury and relate their stories, but in no instance would the Government prosecutor accept their statements for presentation to the inquisitorial body until they had met the approval of Mr. Burns.

Finding that they had been deserted entirely, the two Mealey brothers who had already been on the carpet several times before Burns in an unavailing effort to extract the truth from them, finally yielded, and were ready to become good Indians. But they had stood out too long to suit Burns, and having exerted all the influence within their power to hinder the wheels of justice, the famous Government sleuth was in no mood to treat with them, and, although Burns wanted their testimony badly enough, he insisted upon a compliance with certain conditions before he would permit them to make affidavits at all. Even after they had expressed a willingness to make a complete confession of their part in the fraudulent transactions, Burns hesitated to take them into camp, until they had prostrated themselves on their marrow bones before him and begged for mercy for the sake of their wives and children, and pleading to be given an opportunity to reveal their entire relationship with Kribs. Their humiliating attitude was enough to soften a heart of stone, and it had the effect of causing Burns to relent, and take their affidavits, the substance of which the Mealeys reiterated before the Grand Jury at the proper time.

From the moment of Allie Houser's confession down to the period when the Mealeys surrendered, there were anxious faces around Government headquarters, but now everything looked like plain sailing, and the despondent countenances of the week before had given way to a feeling of supreme exuberance. But the coast was not clear yet, by any means; the work was still in an unfinished state, because Fred. A. Kribs, agent for C. A. Smith, the king-pin of the lot, was yet outside the fold. The case needed the fine veneering of his co-operation to add polish to it all.

When the subject was under discussion at Government headquarters as to the most available method of corralling Kribs, I had occasion to meet him one day on the streets of Portland. And what a fall was there, my countrymen! Poor Kribs looked the picture of despair. From the joyous, hail-fellow-well-met of such a short time before, he had changed so that I was hardly able to recognize him, and I was almost on the point of passing him by as some waif of humanity who had seen better days.

Methought, as I stood upon the street corner, facing this warrior of bygone days—this relic of a has-been period—that I could hear him muse, in plaintive tones, something like this:

"When, oh when, do I need you—
And the friendship you pretend?
When is a friend most needed—
When is a friend, a friend?"

Poor fellow! He certainly presented the appearance of one in the most abject misery. I knew, of course, that he was in a tight box, and he, too, seemed to recognize this fact and appreciate the seriousness of his position. Thinking that to remain there much longer would only add torture to his soul, I remarked, as I was on the point of turning away:

"Fred, if I can do anything for you, let me know."

"Do for me?" was his anxious rejoinder; "that, Steve, is the question—what can be done?"

"Well," I replied, "my suggestion is that you tell me in advance just what you have done to date, and your plans for the future, and then, perhaps, I can be of some service to you."

"Up to the time the Mealey boys deserted me," he replied, "I did nothing, except, of course, to consult with them. Since they turned against me, I have talked with a number of my personal friends, all of whom had something different to offer, until I have reached the stage where I do not know whether I am afoot or horseback."

"That being the case," said I, "the only advice I can offer for the present is, that you lock yourself up—in your basement, if need be—but at all events, where you will be alone and away from your so-called friends. The truth is, Kribs, you have listened to them altogether too much already, and your frank admission that you don't know which way to turn is sufficient evidence of that fact. Get away from them, my boy, and stay away, and revolve this whole thing over in the privacy of your own mind, for you, and you alone, can and must prescribe the remedy. You can do this, Kribs; I know you can, and for your own sake you must do it!"

"But what is it I must do?" inquired Kribs.

"You must protect yourself!"

"But how?"

"By telling all you know."

"About myself?"

"Yes, Kribs, about yourself—and about others."

"What others?"

"The officials of the Roseburg Land Office, and Senator Mitchell—more particularly the latter. You know, Fred., that you absolutely ran the Register and Receiver of that office for over two years, and as for Senator Mitchell, to my certain knowledge, you paid him large sums of money, every dollar of which must be accounted for by you, if you hope for immunity."

"Impossible! Simply impossible for me to do it," said Kribs. "If I turn informant against these men who have stood by me, I might just as well commit suicide, so far as my business is concerned, as you know, I could never go back and face Smith, of Minneapolis, and other millionaire lumbermen of Minnesota and Wisconsin, for whom I have purchased lands, with such a record standing against me. No, Steve, I cannot do what you suggest; it would mean my ruin—my complete ruin. My friends would leave me—my business would follow in the wake."

"If you look at it that way," I replied, "all well and good; but be mindful of yourself—I give you fair warning; be mindful of yourself; It has come to a pass, you know, wherein self-preservation becomes your first duty.

"These men, who appeared before Burns, swore falsely as a unit, until Houser and Nicholls confessed everything, when they all flocked back to Government headquarters and begged for mercy. They repudiated their first statements, and asked for permission to make new affidavits. This was granted, and in their amended affidavits they not only told all they knew about the land frauds but also implicated you in the efforts to induce them to perjure themselves.

"Even the Mealey boys, who worked for you for years, came right in and stated under oath that they had cautioned the entrymen not to see the Government representatives until they had first consulted you, and they related all the facts with respect to their visits to your office and residence, where all hands were being coached as to their testimony.

"It is really a very serious matter, Kribs, for these men are now giving their evidence to the Grand Jury, and it will surely result in an indictment being returned against you, and heaven only knows how many counts they may be able to find—probably over one hundred, and conviction being certain, your years in prison may be measured with those of your natural existence.

"Just think of that, Fred., and ask yourself the question: What will your millionaire friends do for you then? What will Mitchell do? You, as a convicted criminal, will not be worthy of their consideration. Besides, Mitchell, with one-half, or more, of the State of Oregon back of him, together with his influential political friends elsewhere, is plenty able to take care of himself.

"One thing is certain; he will have no thought for you in your trouble. He had none for me, nor did anyone else. What better, might I ask, are you than I? Just wait until you are convicted, Kribs, and the same old cell will answer for us both! You may yet have time to save yourself—take advantage of it while you can!"

Kribs hesitated to reply. I questioned, indeed, that he could speak. His reputation was at stake, as was also those of his friends—and his beloved lands; what of them? They, too, might be lost to him. In this position he reminded me of a Polar bear I once heard about that was floating around in an Arctic sea on the back of a dead walrus. If he ate the walrus he would drown, and if he didn't he would starve to death.

His vast, ill-gotten domain, though, concentrated his thoughts to the exclusion of everything else. Of this he was evidently thinking, for when he addressed me again, it was to ask if there was any likelihood of the Government cancelling his claims.

"Claims, be d—d!" I retorted. "Forget it! I have tried to impress upon your mind the necessity of your first thought being of yourself. What for one claim, or a thousand, as against your freedom? As to the claims, the case at issue has nothing whatever to do with such trifles. I have no doubt, however, that Mr. Heney will ask the Government to cancel the patents to every one of those bogus entries, but that is a subject for future consideration. and when the proper time comes, you will be afforded ample opportunity for defending the title of C. A. Smith to them. If you desire to speak personally to Mr. Heney about them, I will endeavor to arrange a meeting, but first of all, I would advise you to square yourself in the matter now pending."

"Do you think, Steve," he replied, "that I had better see Mr. Heney myself, or would it be best for you to speak to him first for me?"

"Go to him direct, I would suggest, but if you wish, I will do so first and pave the way. You know I stand ready to do anything in my power for you," I assured Kribs.

"Very well, then—you see him first. Find out, as near as you can, just how matters stand. Then let me know, and I will call upon him personally," was Kribs' parting suggestion.

Calling upon Mr. Heney at his room in the hotel, I informed him of my conversation with Kribs; how I had met him on the street, and his disposition when I first talked with him relative to turning informant, together with my advice as to what he should do, and finally, how Kribs had asked me to sound Heney with a view of reaching some amicable arrangement whereby Kribs might be permitted to come to headquarters and have a personal talk in regard to his case.

Mount Hood, Oregon, which rears its majestic peak like some monarch of all it surveys

"What am I to expect in the nature of testimony from this man Kribs?" inquired Mr. Heney; "and furthermore, what does he look for in return?"

"Mr. Heney," I answered, "I have something which I desire to tell you at this time which I have held back, for the simple reason that I did not know, when I first resolved to attempt this plan, whether or not I would be successful. I believe now, however, that with your co-operation, I will be enabled to perfect these plans to our mutual benefit, and by so doing, you will be placed in a position wherein no possible doubt can exist as to the conviction of Senator Mitchell, and at the same time, I shall have vindicated myself in the minds of the public, in that every statement previously made and sworn to by me before the United States Grand Jury will be corroborated, and the truth of which I have every reason to believe, has heretofore been questioned."

"Do you believe, then, that you will be able to substantiate your testimony through Kribs?" asked Mr. Heney.

"Not exactly my testimony—I had no idea of substantiating that, but I did think that if Kribs can be induced to divulge all he knows, it will be productive of additional weight, and insure the conviction of Mitchell."

"Do you know that Kribs is in possession of evidence sufficient to convict?"

"There is no question of that in my mind."

"How long have you believed this?"

"I had never given the subject any thought until my friends, after Senator Mitchell delivered his noted speech in the United States Senate denouncing me, and the Oregon State Legislature had passed resolutions indorsing Mitchell, asked me if I had not made a mistake. It was claimed, as you know, that my testimony resulted in the indictment of Senator Mitchell, and many there were who were under the impression I had deliberately and wilfully lied about the man, with the result that even my personal acquaintances passed me up with contemptuous glances. I was made to look like thirty cents, and was determined to prove, however difficult the task, that I knew what I was talking about, and that I had not misrepresented the facts."

"But how did you come to connect Kribs with this matter?"

"Well, Kribs, as you know, has acted as agent for C. A. Smith, of Minneapolis, Minn. He pays everything by check, and I know this. I also am aware that Senator Mitchell is, and has been for some years past, on Mr. Kribs' payroll. Kribs is very methodical in his business transactions, and being so, undoubtedly still retains his old cancelled checks and also the stubs of his check books. I thought, therefore, to put Mr. Kribs in a hole, and force him to give up what he knew about Senator Mitchell, through promise of immunity from prosecution. It is now up to you, Mr. Heney, and I am here to plead in his behalf, provided I can induce him to inform on Senator Mitchell, thereby making of himself a good witness for the Government, and at the same time, square me in the eyes of the public."

"Are you sure that Kribs will tell all he knows?"

"That I am not in a position to guarantee, but I believe, because of the corner in which he has been placed through the testimony of the witnesses who appeared recently before Mr. Burns, that he can be brought to seeing the error of his adopting any other course."

"You may bring Mr. Kribs up and introduce him to Mr. Burns," said the Government prosecutor, and the interview was brought to a close.

I went direct from Mr. Heney's office to that of Kribs, and informed him that I had talked with Mr. Heney and believed that everything looked favorable, provided, of course, that he would decide to tell everything he knew, and further, that he would be required to substantiate his every material statement through the production of documentary evidence.

When I called upon Mr. Kribs, I found him busily engaged at his desk, and when I enumerated the conditions, he became engrossed in deep study for the moment, and seemed to appreciate the fact that he had no other recourse than to accept the terms, however hard, but held back to the last when it came to discussing the documentary evidence proposition. In fact, he had no inclination to talk on that subject at all, consequently I did not insist, believing that Mr. Burns would reach that part of it in his own good way and at the proper time, so I suggested to Mr. Kribs that we go up to Mr. Heney's office, and this he consented to do.

Arriving there, I introduced Kribs to Burns, who took him in hand, and succeeded in forcing an admission from him that the claims in Township 14 South, Ranges 3 and 4 East, Linn County, Oregon, besides certain claims in Douglas county, had been taken up for the benefit of C. A. Smith, of Minneapolis, Minn., through the Mealey brothers, of Sweet Home, John Givens and others of Roseburg, and S. A. D. Puter, who had located the entrymen on the lands.

At this juncture Kribs undertook to argue with Burns that everything was regular, and he could not understand wherein there were sufficient grounds to warrant an investigation of the claims in question.

Kribs admitted further that he was on very friendly terms with J. T. Bridges and James Henry Booth, the Register and Receiver, respectively, of the Roseburg Land Office; also, that the law firm of Mitchell & Tanner, of Portland, had represented him before the Land Department at Washington in the matter of expediting patents. Burns, realizing fully that enough had been extracted from Kribs as a starter, under pretext of having a very pressing engagement, asked to be excused, and upon showing Kribs the door, invited him to call again.

After the departure of Kribs, I sought Burns' presence, and was informed of what had transpired. He was of the opinion that it would not be policy to press Kribs too hard, as he seemed to be a gentleman who was very much attached to his friends, and would undoubtedly go to any limit in protecting them, especially where C. A. Smith was concerned, as well as Senator Mitchell, for both of whom he appeared to entertain the highest regard. In concluding our interview, Burns suggested that I call at Kribs' office again upon a missionary errand.

When I did so, Kribs expressed himself as very glad to see me, as he was greatly in need of advice, and believed that I could put him on the right track. He told me, of course, all about his conversation with Burns, and how the latter had pressed him for information concerning the Smith deals.

"Now, you know, Steve," continued Kribs, "that I cannot give up on Smith, so how am I to protect him? Burns insists that I must make out a written statement of the facts and present it to him at the earliest possible moment, which I promised to do, but I must, in some way, get around the Smith transactions."

When I saw that Kribs was determined to shield Smith, the thought occurred to me that my opportunity had arrived for squaring up an old account, so I replied:

"Now, look here, Kribs; so far as you are concerned, it appears as if you must tell everything in order to be on the safe side yourself, but I will agree with you, that, in the event of your testifying to everything you know relative to the cases at issue, and which are now under consideration by the Secret Service Department and being investigated by Mr. Heney, to use whatever influence I possess in behalf of both Smith and yourself, to the end that you be absolved from criminal prosecution, provided, however, that in return you exercise your powers upon Smith and induce him to settle with me. You know very well, Fred, that Smith has treated me shamefully, and has steadfastly refused to return me the $10,467.45 which I advanced to secure those Humboldt county lands for him, to say nothing about his holding back between $17,000 and $18,000, due me as commissions in that same transaction. The commissions, of course, I do not care so much about, but when it came to my own money, and more than $10,000 at that, he had no right to try and beat me out of it, and it will be necessary, if he ever expects any favors from me, for him to refund every cent of that amount before I shall turn a hand for him.

"If you think Smith is entitled to immunity from prosecution, I am quite willing that he should have it, but this old score must be adjusted first, and the sooner Smith comes to recognize this fact, the better it will be for him. There will be no time for letter writing about it, either—it must be done by wire; so, before we go any further, it might be just as well to put on your thinking cap and act upon the basis indicated."

"But, Steve," protested Kribs, "didn't you have some sort of a lawsuit over that money?"

"Yes, I got service on him in San Francisco, late at night, at the St. Francis hotel, where he was stopping under an assumed name in order to avoid such a contingency; but that has been something like five or six months ago, and as he is surrounded by a regular army of paid attorneys constantly, there is no telling when my case against him will come to trial. Smith's lawyers will probably keep putting it off from time to time, and heaven only knows when I shall get my money, if at all. I have an opportunity now to do him a favor, but as I said before, he must come through first."

"What assurance have I that you will be able to get Smith off?" asked Kribs.

"My word," I replied, "and if you don't want to take that, just let the matter drift and watch the result. I will surely land Smith if he persists in his present course. If, however, you care to present my claim to him, and he responds by wiring the money to me immediately, I will agree that no indictment will be brought against him."

"Steve," responded Kribs, "I believe you mean this, and just to show that I want to do what is right, I will address Smith today and forward the letter by first mail, which will bring it into Minneapolis within three days. I will furnish him with full particulars, and inform him that a telegraphic reply must be received within four days at the very outside. Grant me that much time, and if it be possible to get that matter settled, I will surely do my best. Will that be satisfactory?"

"Agreed," said I, "but remember, just four days, at the very utmost."

After this arrangement, it devolved upon me to keep Kribs away from Messrs. Heney and Burns until such time as I was enabled to get a settlement out of Smith, and to do this I was obliged to exercise considerable diplomacy.

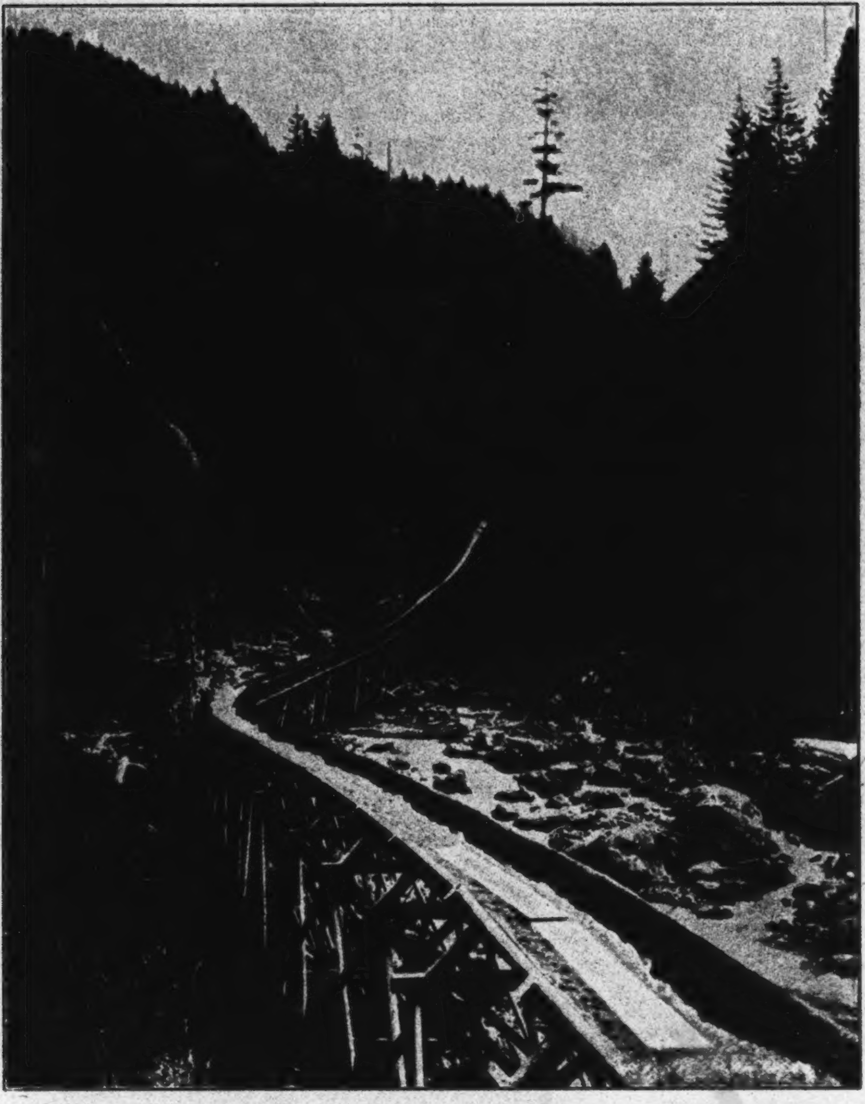
I was not worrying about my ability to fulfill my agreement with Kribs, as Smith had committed no crime for which he could be brought to account at this particular juncture. The fact was, the statute of limitations had run against his offense, consequently he could not be indicted for conspiracy to defraud the Government, and so far as committing perjury or being guilty of subornation of perjury was concerned, there was no evidence connecting him with either.

Kribs, of course, could be indicted for subornation of perjury, but Smith was outside the pale of the law in that respect, consequently, in promising Kribs that I would use my best endeavors in behalf of Smith, and going so far as promising him immunity from prosecution, I merely did that which any child on the streets of Portland could have done with perfect impunity. In other words, I hoodwinked Kribs to the extent of presenting him with a "Barmecidal feast," where all the guests sat down to imaginary dishes. Kribs either did not know this, or else was familiar with some of Smith's more recent acts of a crooked character of which neither the Government nor myself had any knowledge.

It is obvious, therefore, why I did not wish Kribs to come in contact with Mr. Burns. It was policy to keep them apart until such time as I had a reply from Smith. Upon my return to Burns' office, I was asked as to the result of my conference with Kribs, so I told Mr. Burns, having in mind the object just stated, that Kribs was sure to tell everything, but it would never do to force him too strongly.

"Just give him time," I said, "and he will cough up everything he knows."

Happily, Mr. Burns coincided with my ideas, so I felt secure in my position, for the time being, at least.



Lumber flume at Bridal Veil, Oregon, having a drop of 2,500 feet in two miles. Timbers 12x12 and 60 feet in length have come down this flume

On the following morning, being impressed with the feeling that Kribs might come around to Burns' office with his "statement of facts," I resolved to remain in close touch with the latter's room, so as to prevent, if possible, any lengthy interview between them; so immediately after breakfast I made it a point to proceed to Burns' office, where I went into camp in the most approved style.

Sure enough, the redoubtable Fred was "Johnny on the spot" soon after I got there, and it was killing to observe him sneak up into the room in abject fear of being seen by somebody. He presented a typewritten statement to Burns, alleged to cover his connection with the various transactions, but fortunately, I managed to sidetrack any extended conversation between the two.

After Kribs had taken his departure, and Mr. Burns and myself had canvassed the statement, I could see that the latter was palpably disappointed with its contents, and felt disposed to summon Kribs before him again forthwith, but I reasoned him out of this idea, and said it would be much better for me to have a private talk with him before attempting to call him to account for some of his errors and omissions. Burns finally conceded the point, so I called upon Kribs again at his office, where I told him that his statement had found a resting place in Burns' waste basket; that Burns would not think for a moment of accepting any such statement from him, and that, if he could not make up his mind to tell all he knew, he might as well be prepared to take the consequences.

"I don't know what more Mr. Burns could expect me to say," responded Kribs in sorrowful tones. "I made a clean breast of having secured those lands for C. A. Smith, and also stated that I was on very friendly terms with the officials of the Roseburg Land Office, who had extended special privileges to me; also, that I had employed the law firm of Mitchell & Tanner in the matter of expediting patents, even going so far as to admit having instructed those entrymen as to what answers they should make when they came here to testify before the Federal Grand Jury. Now, I think Mr. Burns ought to be satisfied with that."

"Well, Kribs," I answered, "he is not satisfied, nor will he be until you tell the whole truth. It is all very well for you to state that you have been on friendly terms with the officials of the Roseburg Land Office and that they extended special privileges to you, but what about the consideration? Why didn't you tell what you paid for these special privileges and to whom it was paid? Why, too, didn't you state exactly for what purpose you paid that money to Mitchell & Tanner? In other words, why didn't you admit having made all arrangements with Senator Mitchell personally, and that, when you turned over the several amounts to Mitchell & Tanner, as a matter of fact, that each and every payment was to go to the Senator personally, and not to be credited to his firm?

"You know, Kribs, that you had a private understanding with Senator Mitchell, and that you agreed to pay him a certain amount for every patent that he pulled out for you. You know, as I do, that the Senator accepted every dollar of that money in the nature of a bribe. Why didn't you say so, and why didn't you state the amounts and when they were paid? These are questions that must be answered, and just as sure as your name is Fred A. Kribs, just so sure will Mr. Burns insist upon your giving him this information, and when he asked you to state the plain, unvarnished facts, he expected you to do so, and I am here to tell you that nothing short of that will be accepted."

"So he threw my statement in the waste basket, did he?"

"That's exactly what became of it."

"Shall I try it again?"

"That's about the only thing you can do, but it's no use if you try and keep anything back next time."

"I will think it over tonight, and try and concentrate my mind on the subject, and do my utmost to prepare one that will prove satisfactory."

"All right, do so; and bring it to Mr. Burns' office, and I will arrange to be on hand and do what I can for you."

Kribs appeared bright and early the morning following, and addressing Mr. Burns, said: "Mr. Puter informs me that you were not entirely satisfied with my statement of yesterday, so I have prepared a new one, which I trust will meet with your approval."

"No," declared Mr. Burns, "I was not at all satisfied with your other statement, as I found that it did not contain anything like as much as you promised to divulge, nor did it present the facts as I know you are in a position to give them to me."

"This statement covers all the ground," responded Kribs meekly, and handing it to the Government sleuth, continued, "I have dealt with all the salient features."

"Just take a seat until I can examine it," commanded Burns. "I only hope it is as you say, and that you have covered the ground in every particular."

He then looked the statement over, folded it carefully when he was through, and gazing directly at Kribs, said:

"So you have dealt with all the salient features, have you?"

"Yes," replied Kribs, "I believe that I have."

"Well, then, in order that you and I may have no further misunderstanding as to what is expected of you, I believe, Mr. Kribs, that it would be best for us to talk matters over. This statement, I will admit, is more conclusive than the one handed me by you yesterday, but not sufficiently so, by any means."

Opening the statement again, Mr. Burns continued:

"You have said here that you were on friendly terms with the officials of the Roseburg Land Office, and that you paid them money, but you have failed to mention to whom, or in what amounts. You also confess having employed the firm of Mitchell & Tanner to expedite the issuance of your patents, and that you paid them for such service, but here again you fall short, in that you fail to state with whom the arrangement was first made, and have also neglected to mention the amounts agreed upon. Your statement with regard to the Smith deal is also too general. You must be specific, Mr. Kribs, and give full details with regard to every transaction, else I shall be obliged to bring these negotiations to a close without further consideration.

"When Mr. Puter spoke to Mr. Heney about you, he insisted that you would make a valuable witness for the Government, because of the fact that you had done business—along certain lines—with the officials of the Roseburg Land Office, and had also done business—along the same lines—with Senator Mitchell. We want this information in its entirety, and we shall expect you to give it exactly as you know it to be. You have admitted, in substance, that you maintained relations with these people, and have also virtually acknowledged that the nature of this business was of a shady character. It now remains for you to give the entire facts, and until such time, I shall have nothing further to say to you on the subject."

This conversation having occurred on Saturday, Mr. Kribs said that it would be impossible for him to prepare another statement for presentation that afternoon, but that he would have one ready on the following Monday morning, which arrangement, Mr. Burns told him, would be satisfacory to him.

On meeting Kribs that Saturday afternoon, he said that it looked like he was in for it; that Burns was as sharp as a steel trap, and, unless he was very much mistaken, was "wise" to everything, and would not be put off with anything short of a full and complete statement of facts.

"So I might just as well make up my mind," continued Kribs, "to tell everything I know."

"That's right," I responded, "you stick to that determination, Kribs, and when you have prepared your statement, I will call personally and look it over before you present it to Mr. Burns."

"When will you call?" he inquired.

"When will you have it ready?" I replied.

"Probably by tomorrow (Sunday) night; but suppose that you call on Monday morning at my office."

I agreed to do so, and left Kribs, in the firm belief that he had finally decided to come through with the much desired information, as he appeared to be very sincere, and I was happy in the thought that, if he presented a statement such as he promised, we could then force him to produce the documentary evidence to substantiate his story.

No sooner had I reached Kribs' office on Monday morning, than he opened up by informing me that he was in receipt of a dispatch from C. A. Smith, to the effect that he was willing to pay me the amount of money I had advanced to secure the Humboldt County lands for him, concerning which I had commenced suit to recover, provided, however, that I was to withdraw the action immediately, he, in turn, agreeing to dismiss a counter suit that he had filed against me. It was further understood that Smith was not to be indicted if I could prevent it.

In regard to the withdrawal of my suit, I agreed to do as suggested, but as to the indictment of Smith, I could guarantee nothing, further than to give my word that no indictment would be returned, and this, I insisted he must accept for what it was worth.

"I will take your word for it," replied Kribs; "and to prove to you that I have confidence in your ability to take care of the matter, I shall wire Smith immediately to forward the money by telegraph."

After Kribs had sent the wire to Smith, which he prepared in my presence, he took up the matter of his new statement, and after reading it over, I informed him that it appeared to be satisfactory, and that I believed it would meet with Mr. Burns' approval. I then suggested that we go up and see Burns, which Kribs assented to.

After reading Kribs' new satement, Mr. Burns seemed to be well pleased, and remarked:

"This is something like it."

He then asked Kribs if the $800 mentioned as having been paid by him to James Henry Booth, Receiver of the Roseburg Land Office, was by check or cash, to which Kribs responded that it was in the form of a check.

"All my settlements, in fact," continued Kribs, "have been made by check."

"You find, then, Mr. Kribs, that the check system is a good one, and that it is the correct way of transacting business?" queried Burns.

"Indeed, I do," replied Kribs, "as in that way I am enabled to keep a more complete record of all my business dealings."

"I presume then, that you paid Mitchell & Tanner by check also," said Mr. Burns.

"Yes, sir; I did."

"Well, now," added Burns, "I will say about your statement, that I find it entirely satisfactory with but one exception, and that is, with regard to your agreement with Mitchell & Tanner. You have failed to state, in referring to that firm, with whom your agreement was made—was it with Senator Mitchell, or Judge Tanner?"

"It was with the Senator."

"Was Judge Tanner present at the time?" asked Mr. Burns.

"He was not—that is to say, Judge Tanner wasn't present when I talked with Senator Mitchell in his private office at the time of my coming to an understanding with him in regard to his receiving $25 from me for each patent expedited."

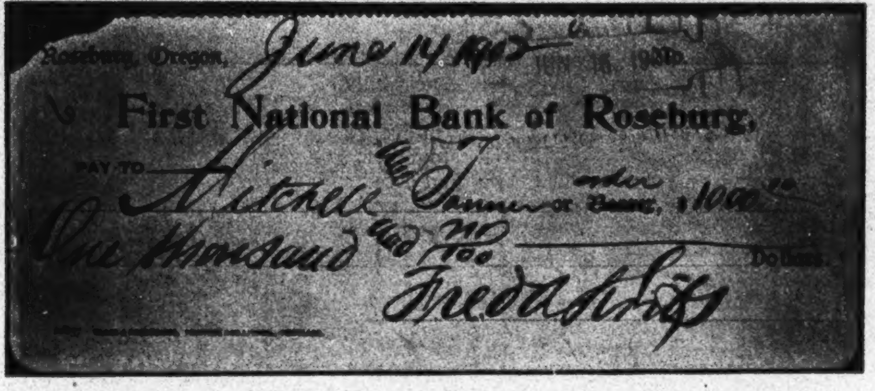
"Mr. Kribs, was it your understanding that the Senator was to receive the money personally, or did you presume that this money was to go to the firm of Mitchell & Tanner?" persisted Burns.

"The payments were made to the firm of Mitchell & Tanner, but I, of course, presumed that Senator Mitchell alone was benefitted thereby, as he instructed me, when I asked him how I should remit, to make my checks payable to his firm—'for convenience sake,' as he put it."

"Did you meet Judge Tanner at all?"

"Yes, sir; I was introduced to him by the Senator when we came out of the latter's private office, at which time Senator Mitchell remarked, in addressing his partner, that he had made an arrangement with me whereby he (Mitchell) was to expedite the issuance of all my patents, and whenever I brought any land matters to him (Tanner), that he should forward the same to the Senator at Washington. The Senator further informed his partner that I would hand the latter the amounts agreed upon in each case."

"I will now request that you insert this additional testimony in your statement," said Burns, "after which I shall accept it as altogether satisfactory."



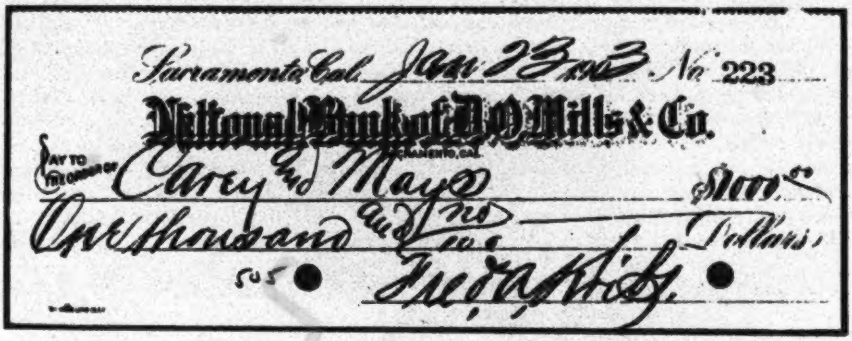
Roseburg, Oregon, June 14 1903

First National Bank of Roseburg,

Pay to Mitchell and Tanner order or Bearer, $1000.00

One thousand and no/100 Dollars

Fred A Kribs



Sacramento Cal. Jan 23 1903 No 223

National Bank of D.O. Mills & Co.

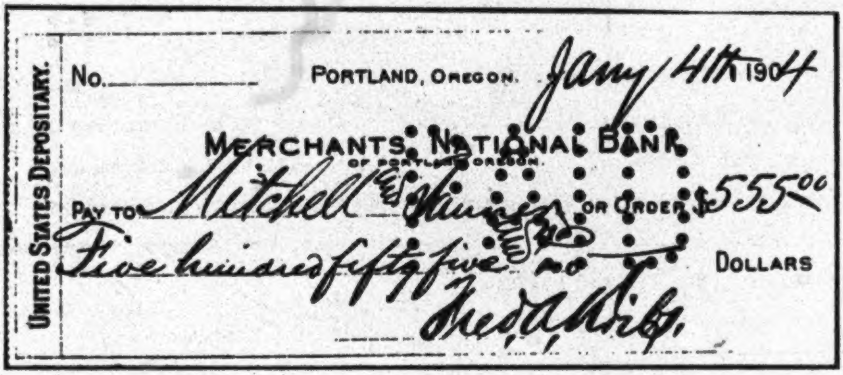
Sacramento, Cal.

Pay to the order of Carey and Mays $1000.00

One thousand and no/100 Dollars

505

Fred A Kribs



UNITED STATES DEPOSITARY.

No.______ PORTLAND, OREGON. Jany 4th 1904

MERCHANTS NATIONAL BANK

OF PORTLAND, OREGON.

PAY TO Mitchell and Tanner OR ORDER $555.00

Five hundred fifty five no/100 DOLLARS

Fred A Kribs

Samples of the lubricant used by Fred. A. Kribs in oiling up the machinery for grinding out patents to the fraudulent Smith timber entries

Kribs endeavored in every conceivable way to hedge out of making the insertion as directed, and when he finally did put it in, it was only to be scratched out and re-written, as he had failed to employ the exact language used in his verbal statement to Burns. He eventually capitulated completely, and after attaching his signature to the document in its complete form, took the customary oath that the statement was true and correct in every particular.

Mr. Kribs and myself then left together, going direct to his office, where we met my brother, L. F. Puter, who had acted as one of my attorneys throughout the 11-7 trial, as well as my legal representative in my suit against C. A. Smith.

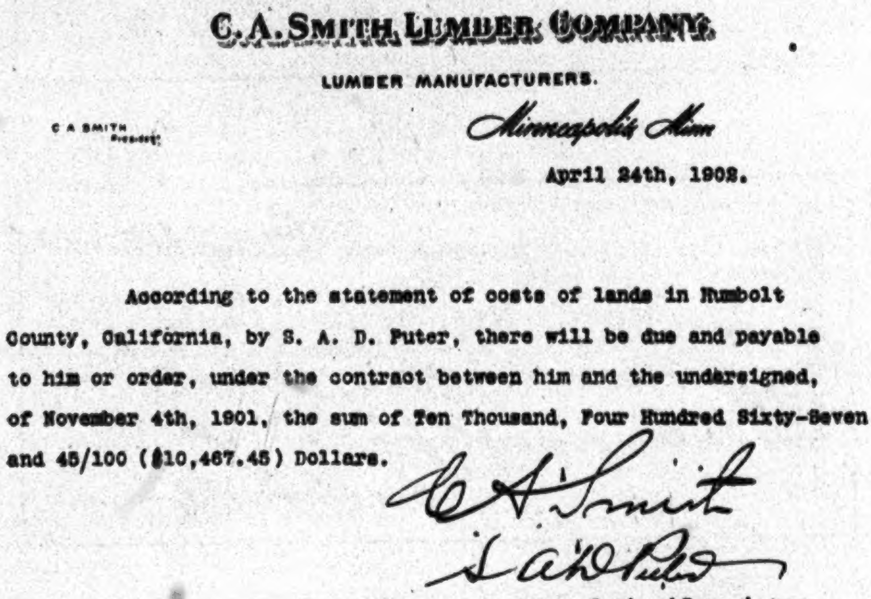
While engaged in discussing the telegrams that had passed between Smith and Kribs that morning, the latter received notice from the Merchants National Bank to the effect that they were in receipt of the sum of $10,467.45, and that they had instructions to turn this amount over to S. A. D. Puter, upon Kribs' indorsement.

My brother thereupon took up the matter with Kribs, and between them they arranged for the withdrawal of my suit against Smith, which was consummated by wire with his attorneys in Minneapolis to their entire satisfaction. At the same time, Smith's lawyers dismissed his counter suit against me.

My brother then accompanied Kribs to the Merchants National Bank, where the money was turned over.

A few days later, Mr. Kribs appeared before the United States Grand Jury and gave testimony which resulted in the indictment of Senator John H. Mitchell and James Henry Booth, the latter being Receiver of the Roseburg Land Office.

It might be added that it was on this charge, known as the "Kribs Indictment,"' that Senator Mitchell was tried and convicted, and not on what is commonly called the "Puter Indictment," as Mr. Heney considered the evidence presented by Mr. Kribs, corroborated as it was by the introduction of documentary evidence in the form of cancelled vouchers, to be much more conclusive than that given by myself, and upon which the first indictment against the Senator was returned.



C. A. SMITH LUMBER COMPANY.

LUMBER MANUFACTURERS.

C A SMITH
President.

Minneapolis Minn

April 24th, 1902.

According to the statement of costs of lands in Humbolt County, California, by S. A. D. Puter, there will be due and payable to him or order, under the contract between him and the undersigned, of November 4th, 1901, the sum of Ten Thousand, Four Hundred Sixty-Seven and 45/100 ($10,467.45) Dollars.

C A Smith

S A D Puter

Fac-simile of agreement between Smith and Puter, the terms of which the Minneapolis millionaire lumberman attempted to evade

Senator Mitchell was indicted for this offense on February 1, 1905, and convicted July 3, of the same year, after one of the most sensational trials that has ever taken place in Oregon.

Receiver Booth, of the Roseburg Land Office,—who, with Register J. T. Bridges, was dismissed from service on account of his connection with Kribs—has not yet been tried for the part he played in the game, and Register Bridges has never been indicted, for the reason that he became a Government witness.

The notorious C. A. Smith, who was responsible for all this trouble, has never been indicted, because the devil takes care of his own, and he was lucky enough to be saved by the statute of limitations, three years having elapsed, so far as any evidence adduced would show, since he had been connected with the fraudulent transactions.

Fred A. Kribs was not indicted either, having been granted an immunity bath on account of his valuable services as a witness for the Government.

Taken on the Allie Houser claim
N. W. ¼ 22, 14-3

Chapter XIII

Evidence produced before the Federal Grand Jury by Fred A. Kribs and others results in the indictment and subsequent conviction of United States Senator John H. Mitchell, of Oregon, for violation of Section 1782 of the Revised Statutes—Judge Tanner, Senator Mitchell's law partner, breaks down in the Grand Jury room, and in order to save his son from criminal prosecution, confesses that a fake partnership agreement between the law firm of Mitchell & Tanner had been substituted for the original, and changed so as to exonerate Senator Mitchell from any criminal liability—Some interesting inside history of the manner in which the Government secured damaging evidence against the accused statesman, wherein Irvin Rittenhouse, private secretary to Prosecutor Heney, distinguishes himself as a sleuth.

SENATOR MITCHELL'S connection with Fred A. Kribs, as described in the preceding chapter, brought about his indictment and subsequent conviction for a violation of Section 1782, of the United States Revised Statutes. Coincidentally, it sounded the death knell to the reign of a corrupt oligarchy that had domin-ted the political destinies of Oregon for practically one-quarter of a century. This political machine was in the zenith of its glory at the time Francis J. Heney began his crusade against the Oregon land frauds, and when it was hinted that John H. Mitchell, who had so long controlled the political affairs of the State with such supreme autocratic power, was likely to become involved, the idea that any Grand Jury would be found with temerity enough to indict him, or that any trial jury would convict him for his offenses, was looked upon generally as a vivid flight of the imagination.

It is hardly necessary to enter into details pertaining to the various phases of the trial and conviction of Senator Mitchell, for the reason that they form a part of the Court records that have already been considered at great length by the press, and because the one most affected is now beyond the grasp of earthly trouble. What will doubtless most interest the public, so far as this particular case in concerned, is the unwritten history attached to the circumstances attending the downfall of a political idol and it is the purpose of this chapter to cater to this idea more than to any other.

Kribs had given the Grand Jury full information regarding his relations with Senator Mitchell, and furnished complete documentary evidence, including checks, letters and other data to sustain his statements. Judge Tanner, Senator Mitchell's law partner, went before the body during the latter part of January, 1905, in connection with the Kribs payment investigation, and in answer to Mr. Heney's inquiry about the terms of the partnership existing between himself and Senator Mitchell, Judge Tanner produced what purported to be the original partnership agreement. Heney brought it with him to the hotel that night, and was somewhat perturbed over it, because, if it were the genuine agreement, it would result in absolving Mitchell from having received any compensation in the shape of fees paid by Kribs, a clause therein stating that Tanner was to receive all the fees for any work the firm performed before the Land Deparment.

As a result of the tips that Irvin Rittenhouse had given Mr. Heney during the progress of the Hyde-Benson preliminary hearing at San Francisco in 1904, the Government prosecutor had a great deal of confidence in the ability of his private secretary for deciphering questionable typewriting. He handed Rittenhouse the document, at the same time stating that Judge Tanner had testified that it was the genuine contract, and had been written in March, 1901.

Irvin Rittenhouse, private secretary to Francis J. Heney and one of the noted prosecutor's most trusted lieutenants in the land fraud cases

No sooner had Rittenhouse inspected the contract than he assured Mr. Heney that the typewriting was certainly not four years old; that it had evidently been done recently, and that the signatures of Mitchell and Tanner thereto in ink were still pale, instead of being jet black, as they would have been had they attained any degree of age. Rittenhouse then read over the contract very carefully, and in doing so came across two mis-spelled words—"sal*e*ry" and "constitu*a*nt," to which he called Mr. Heney's attention.

The latter seemed somewhat gratified by this discovery, but said nothing about it at the time, nor did Rittenhouse mention the subject again until later on. Rittenhouse had also directed attention to the fact that all the correspondence passing between the firm of Mitchell & Tanner and the General Land Office during 1901, 1902 and 1903—the period covering the transactions between Mitchell and Kribs—then in possession of the Government, was written with either a light blue or purple ribbon, while the contract submitted to the Grand Jury by Judge Tanner had been written in black. He likewise directed Heney's attention to the water mark in the paper on which the contract was written, indicating that it was different from the kind used by the law firm in 1901-2. Subsequent inquiry developed that the style of paper used in the alleged original contract, "Edinample Bond," was not manufactured at the time the document was purported to have been written.

The next day Mr. Heney called Miss Aimee C. Spencer, Miss Edith Bern, and Miss Margaret O'Brien before the Grand Jury. All were at one time stenographers of Mitchell & Tanner, the two former having been regularly employed by the firm, while Miss O'Brien performed special service for Senator Mitchell during his occasional visits to Portland from the National Capital. A. H. Tanner, Jr., was also subpoenaed before the body, as Judge Tanner had stated that his son was then the only regular stenographer in the office, having acted in that capacity during the past six months, but not prior thereto.

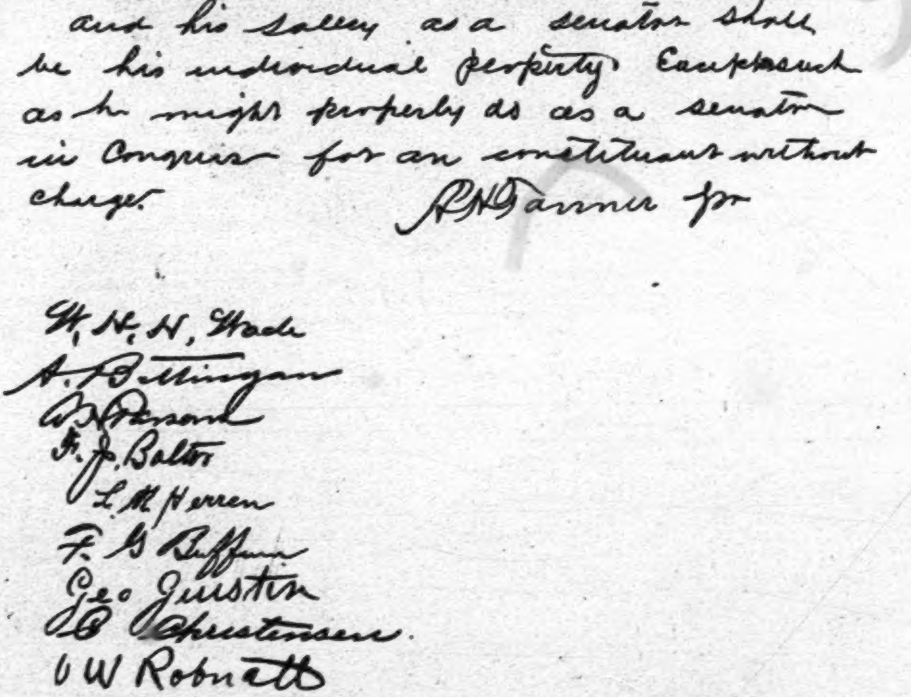
About 8 o'clock that evening, while Heney, Burns, Rittenhouse, Puter, McKinley, the Tarpley brothers and Marie L. Ware, were in room 211 of the Hotel Portland, discussing matters in connection with the Mitchell case, Rittenhouse suddenly remarked to Heney:

"How about those misspelled words?"

The Government prosecutor scowlingly replied, "D—n you, I'll dynamite you if you don't keep still about that!" at the same time walking into an adjoining room, and motioning for Rittenhouse to follow. They were joined almost immediately by Burns, who inquired:

"What's that you are talking about?"

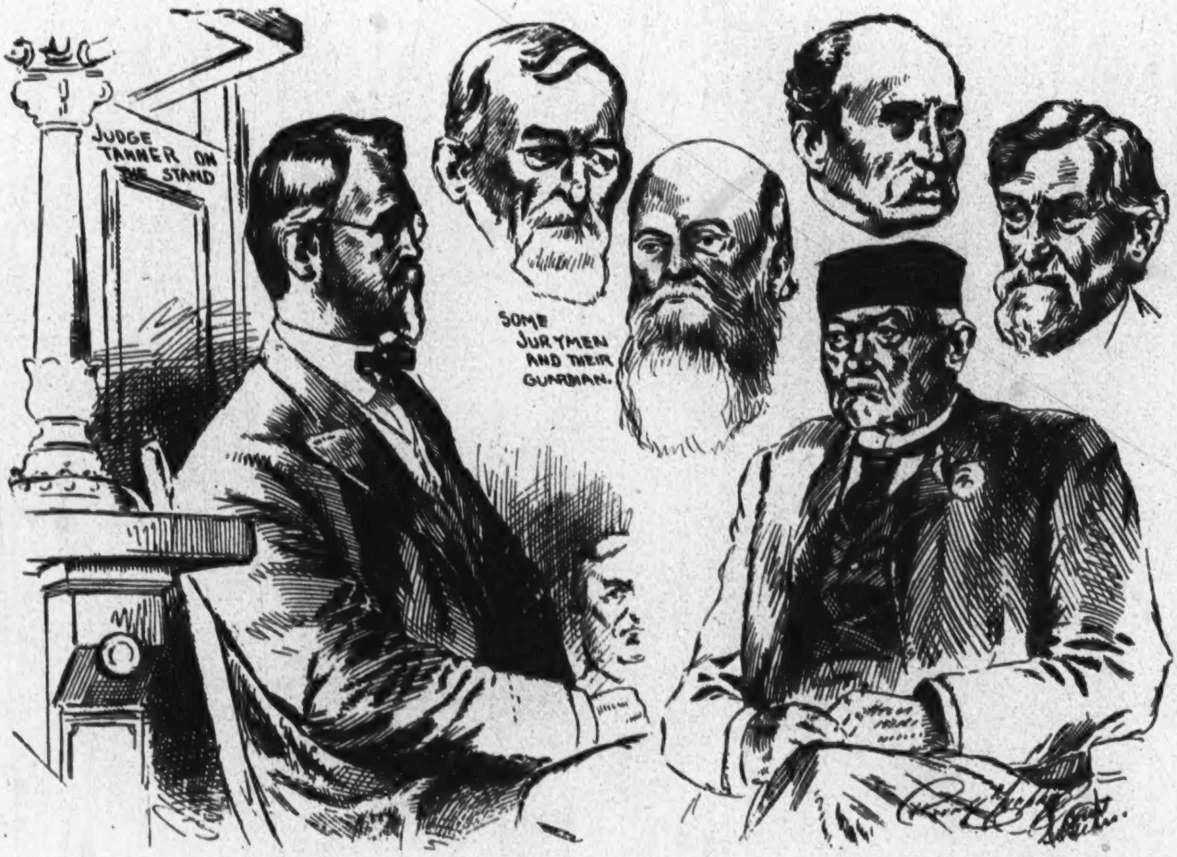
"Why, 'Rit' found two misspelled words in this contract here, and I had all the stenographers before the Grand Jury, with Tanner's son," responded Heney, at the same time exhibiting a sheet of paper containing a sentence from



and his salery as a senator shall
be his individual property Except such
as he might properly do as a senator
in Congress for an constituant without
charge. A H Tanner Jr

W. H. H. Wade
A. F. Bettingen
W. H. Parsons
F. J. Balter
L. M. Herren
F. G. Buffum
Geo. Justin
J. B. Christensen
C W Robnett

Fac-simile of the handwriting of young Tanner in the Grand Jury room, which led to his father's confession. The subscribing witnesses were members of the Federal Grand Jury


JUDGE TANNER ON THE STAND
SOME JURYMEN AND THEIR GUARDIAN.

Judge A. H. Tanner testifying against his former law partner in the Mitchell case the contract that had been dictated to young Tanner in the Grand Jury room. The sentence embraced the two words, "salary" and "constituent," both of which had been mis-spelled by him in the manner indicated, while all the other stenographers had written the words correctly.

Upon being shown the agreement in the Grand Jury room, Tanner's son had declared under oath that he had not written it, nor had he ever seen it before, and upon the basis of this testimony an indictment was prepared, charging him with perjury. It was at this juncture that Judge Tanner, who had also been indicted for perjury in connection with his efforts to shield Senator Mitchell, learning that his son was to be indicted, decided to tell everything and save his boy from criminal prosecution, and the story he told the Grand Jury was pathetic enough to arouse every instinct of human compassion.

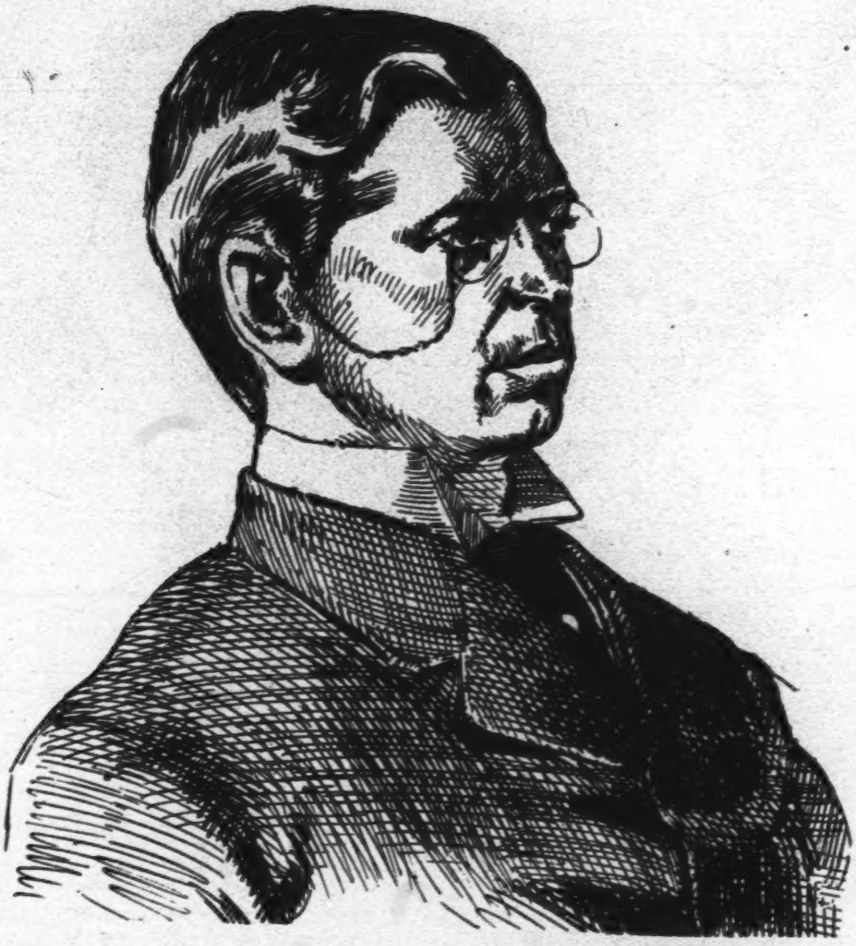
It was to the effect that the law firm of Mitchell & Tanner was first established in 1891, and continued under various forms of agreement until March 5, 1901, when it became necessary to modify the terms of co-partnership on account of Mitchell having been elected to the United States Senate. A clause of the agreement entered into on that date contained this provision:

> "It is understood and agreed that the interest of each of the parties to this agreement as to all services rendered, all moneys received, and all business done by the firm, shall be equal one-half thereof, except that for any services which may be rendered by said John H. Mitchell in the City of Washington, D. C., either in the Supreme Court of the United States, the Court of Claims, or before Congress or any of the Departments, shall be the individual matter and claim of said John H. Mitchell, and all fees so earned by him in either of said courts or before Congress or any of said Departments, and his salary as Senator, shall be the individual property of said John H. Mitchell, and the firm shall have no interest therein, but for all services rendered by the firm or either member of it in any other place, save and except as above, shall be considered firm business, and the parties equally interested therein."

According to Judge Tanner, when the land frauds were under investigation by the Federal Grand Jury in December, 1904, Senator Mitchell became considerably alarmed over the prospects of becoming involved in some of the scandals, and requested permission by wire to appear before the body in his own behalf. Accompanied by Congressman Binger Hermann and Frank C. Baker, Chairman of the Republican State Central Committee, of Oregon, Senator Mitchell left Washington, D. C., about December 18, of the year in question, and on December 20 wired Judge Tanner from St. Paul, Minn., requesting the latter to meet him at Kalama, Washington, upon the arrival of the Northern Pacific train at that point.

Judge Tanner met the party as requested, and Senator Mitchell appeared very anxious to learn the latest land-fraud news, asking particularly if there was any danger of the Government agents having had access to the books of the firm. The day following his arrival, Senator Mitchell and his partner made a careful inspection of the books of the firm, page by page, Mitchell expressing surprise at the manner in which the various entries had been made, and demanded that the old books should be destroyed, declaring that the entries in regard to the Kribs transactions would not only result in his indictment, but conviction as well, if they fell into the hands of the Government. There was a heated discussion on this point between Mitchell and Tanner, the latter insisting that the accounts had been kept in strict conformity with the terms of their partnership agreement, and that Senator Mitchell was fully aware of the manner in which they had been kept, and had never raised any previous objections thereto.

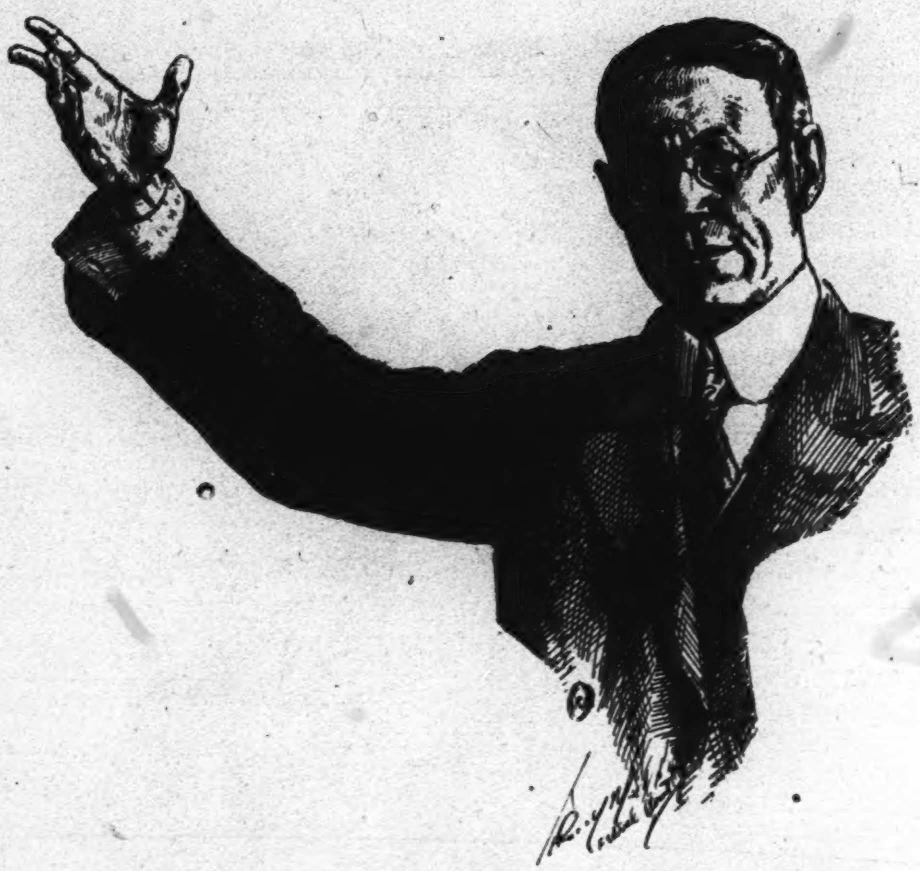
"During one of several conferences in Senator Mitchell's room at the Hotel Portland on the subject," testified Judge Tanner, "I told him in the course of the conversation that I thought the proper thing and the safe thing to do was to make a full breast of the matter, and he insisted that the books should be destroyed, and that it would not do for it to appear that he had received any part of this Kribs money. And he insisted on it in his determined way and impatiently—would not listen to anything else."



Harry C. Robertson, private secretary to Senator Mitchell who aided the Government by surrendering his employer's correspondence

At this conference Senator Mitchell suggested changing the partnership agreement in a manner to exonerate him, and Judge Tanner called his attention to the fact that Harry C. Robertson, Mitchell's private secretary, had typewritten the original document, and "it would hardly be safe unless we could count on him in the matter," as Tanner expressed it. "Well, you fix it up and I will manage Robertson," Senator Mitchell had responded.

Judge Tanner testified further that he told Senator Mitchell upon this occasion that although it would necessitate perjury upon his part—something he had never done before in his life—he would stand by his partner and do what he could to help him. The next day he prepared the fake contract, dating it back to March 5, 1901, and had his son run it off in duplicate on the typewriter. Taking it to the hotel he showed the agreement to Senator Mitchell, who, after perusing it carefully, remarked:

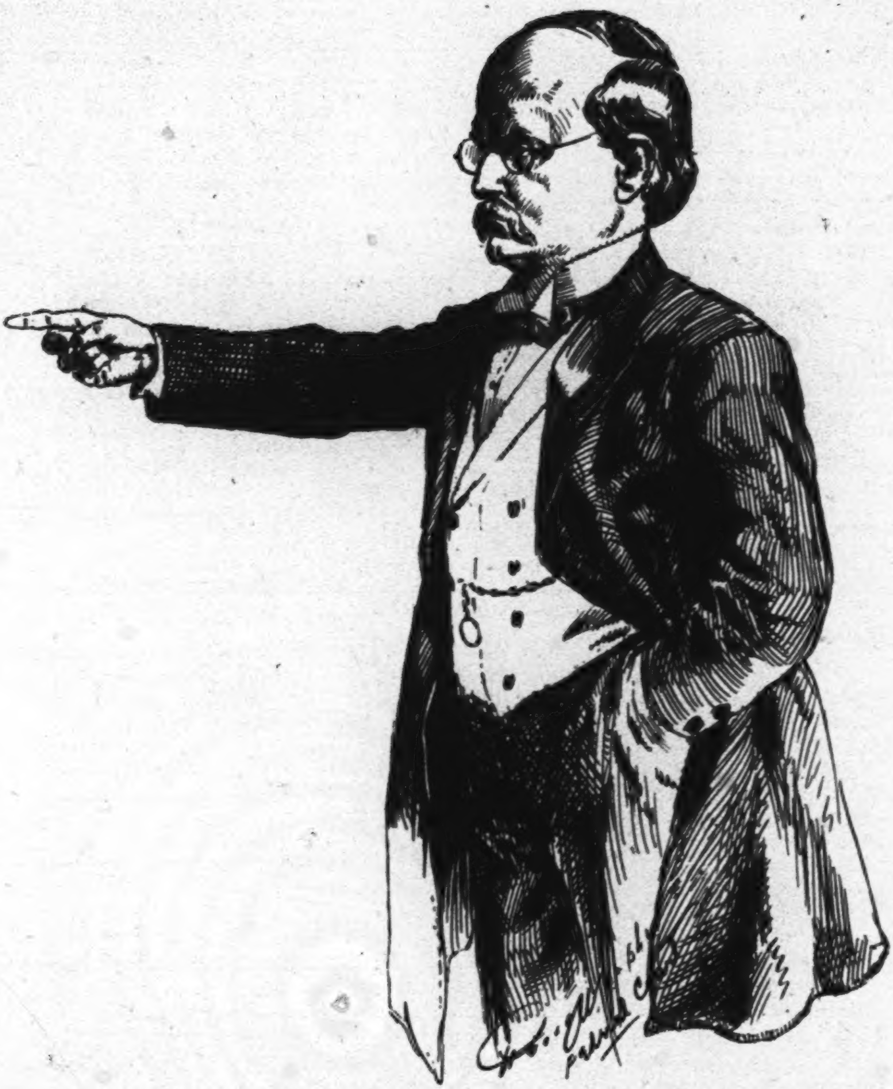


A characteristic pose of Francis J. Heney during his argument of the Mitchell case

"That is all right. That will fix it all right," whereupon they both signed the two copies. The only change from the original was in the second clause, which was amended to read as follows:

> "It is agreed that the interest of each of the parties hereto as to all the services rendered, all moneys received and all business done by the firm shall be the equal one-half thereof, except for any services which may be rendered by said John H. Mitchell in the Supreme Court of the United States shall be his individual matter, and all fees so earned by him, in said Court, and his salary as Senator, shall be his individual property, and the firm shall have no interest therein; and that for any and all services which may be rendered by said Albert H. Tanner before any of the departments at Washington, D. C., or any of the branches or bureaus thereof, or in the Land Department of the Government, either at Washington, D. C., or Oregon or elsewhere, shall be his individual property, and the firm shall have no interest therein, and said John H. Mitchell shall not be required to perform any services therein except such as he might properly do as a Senator in Congress, for any constituent without charge."

Unfortunately for all hands concerned, young Tanner, in running the fake partnership agreement off on the typewriter, incorrectly wrote the words "sal*e*ry" and "constitu*a*nt," and this fact formed an important link in the chain of circumstances that led to the discovery by the Government officials that the copartnership agreement between Senator Mitchell and Judge Tanner had been "doctored."



Ex-United States Senator John M. Thurston, of Nebraska, delivering his impassioned plea to the jury in behalf of Senator Mitchell

Up to the time Judge Tanner made the serious mistake of committing perjury in order to shield his old law partner, no man in Oregon enjoyed a more enviable reputation for truth and veracity, or stood higher in public estimation. That he suffered the consequences of his indiscretion in many ways is self-evident, because it is reasonable to suppose that any high-minded person of Judge Tanner's caliber would very naturally feel the utmost humiliation on account of the degradation that had been imposed upon him almost unsolicited. It may be contended that the only open course for any honorable man under the circumstances would have been in the direction of placing the Government in possession of all the facts at his command, but it must be reckoned that it is oftentimes difficult to determine just where the lines of demarkation between duty and loyalty should be drawn, and the charitable portion of the world will probably hesitate a long time before measuring Judge Tanner's act with the weight of condemnation.

He pleaded guilty to the indictment charging him with perjury, and at the trial of Senator Mitchell was one of the most important witnesses for the Government, furnishing complete information relative to the facts narrated, and corroborating Fred A. Kribs' testimony in every essential particular. On June 26, 1906, President Roosevelt granted Judge Tanner a pardon for his offense, and outside of being disbarred from practice for a period of six months by the Supreme Court of Oregon, no further punishment was meted out to him that the public knows anything about.

The section of the United States Revised Statutes under which Senator Mitchell was indicted reads as follows:

> **"Section 1782.—No Senator, Representative or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any department, court martial, bureau, officer, or any civil, military or naval commission whatsoever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than $10,000, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust or profit under the Government of the United States."**

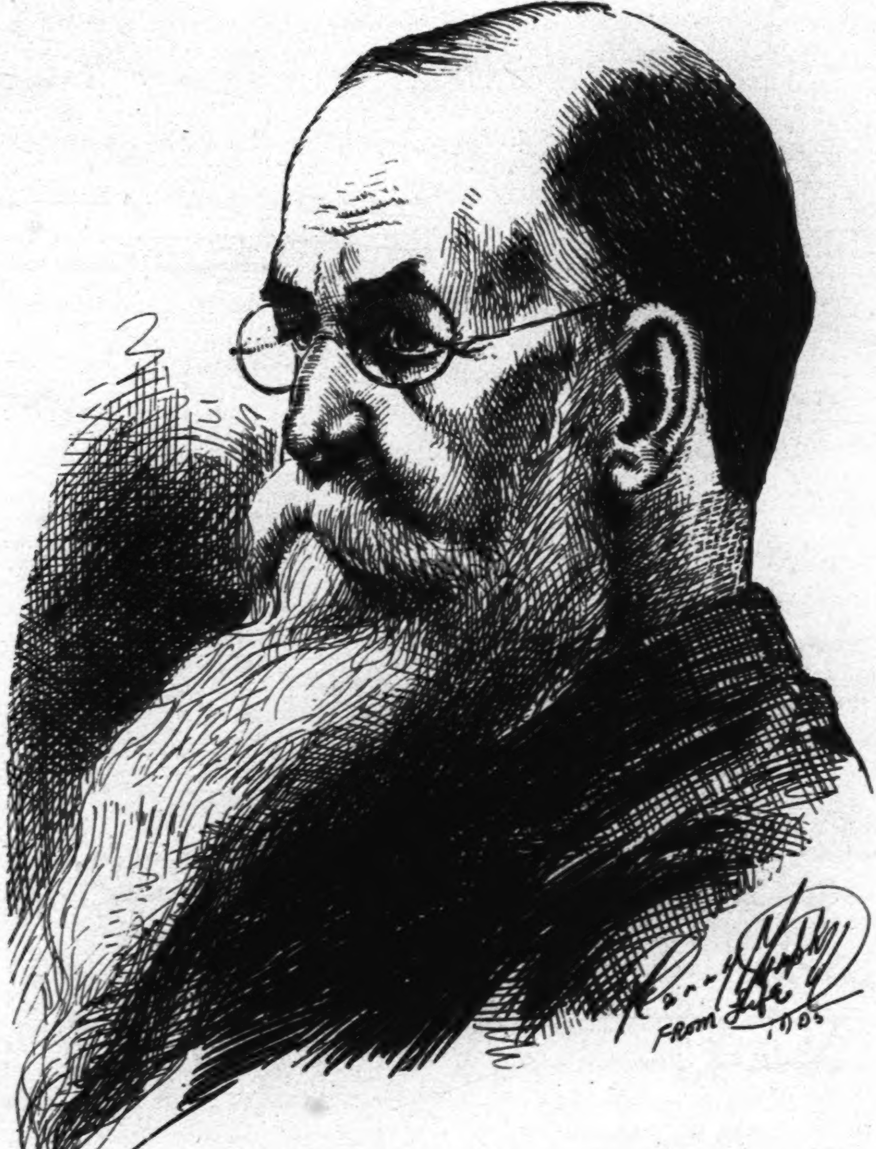
The trial of Senator Mitchell under indictment No. 2902, for a violation of the section of the United States Revised Statutes quoted, was begun in the United States Circuit Court for the District of Oregon on June 20, 1905, before United States District Judge John J. DeHaven, of San Francisco, and a jury composed as follows: G. Steiner (foreman), merchant, Salem, Marion County; H. Cleveland, farmer, Salem, Marion County; Ed. Daily, farmer, Kerby, Josephine County; R. L. Oliver, grocer, Pendleton, Umatilla County; Bert Leabo, farmer, McMinnville, Yamhill County; J. A. Baxter, farmer, Dallas, Polk County; J. P. Clauson, farmer, Riverton, Coos County; S. T. Hobart, farmer, Silverton, Marion County; S. A. Carlton, farmer, Wellen, Jackson County; B. F. Grant, farmer, Harlan, Lincoln County; Frank Warren, farmer, Warrenton, Clatsop County, and W. H. Lewis, farmer, Jewel, Clatsop County.

Francis J. Heney, of San Francisco, who had been appointed United States Attorney for Oregon by President Roosevelt after the summary dismissal of John H. Hall from that office a few months previously, appeared for the Government, while the defendant was represented by ex-United States Senator John M. Thurston, of Nebraska, and Judge Alfred S. Bennett, of The Dalles, Oregon.

The case lasted until July 3, 1905, when it was submitted to the jury, which, after deliberating 7½ hours, returned at 11 o'clock that night, while the din of firecrackers and the blare of skyrockets were heralding the approaching Fourth, with this verdict:

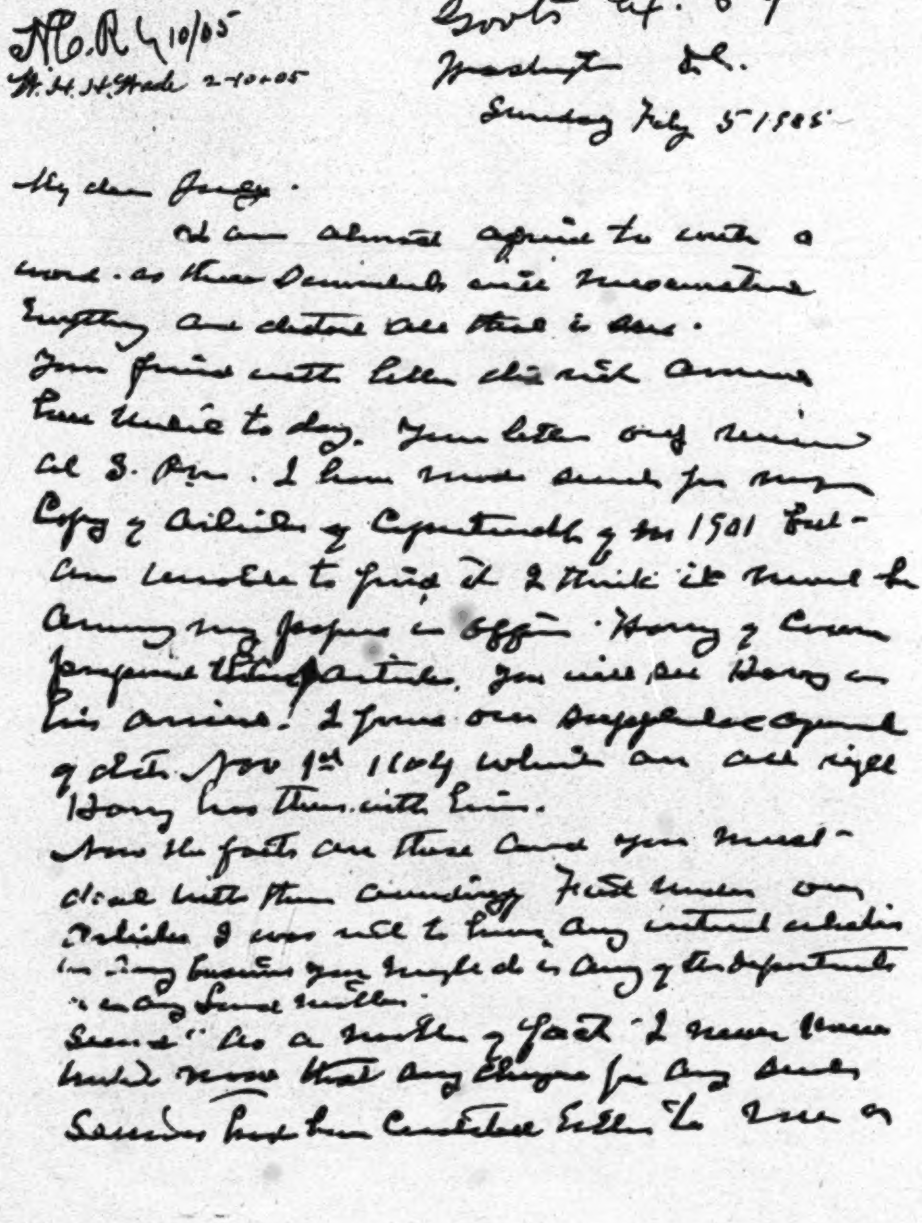
> **"Portland, Oregon, July 3, 1905.—In the case of the United States against Senator John H. Mitchell, we, the jury, find the defendant guilty as charged in the indictment, and recommend him to the mercy of the Court for leniency.**
>
> **(Signed) G. STEINER, Foreman.**

Very naturally, on account of the great prominence of the defendant, the case against Senator Mitchell had attracted an extraordinary amount of local attention, the Court room being crowded with spectators during every stage of


Harry Murphy
From Life
1905

The late United States Senator John H. Mitchell, of Oregon. Sketched from life during the famous trial by Harry Murphy, the gifted Oregonian cartoonist

THE FAMOUS "BURN THIS WITHOUT FAIL" LETTER, WRITTEN BY SENATOR MITCHELL TO HIS LAW PARTNER, AND WHICH WAS SURRENDERED INTO THE HANDS OF THE GOVERNMENT BY HARRY C. ROBERTSON, TO WHOM IT HAD BEEN ENTRUSTED FOR DELIVERY TO JUDGE TANNER.



H.C.R. 4/10/05
W. H. H. [illegible] 2-10-05

Govts Ex. 59
Washington D.C.
Sunday Feby 5 1905

My dear Judge.

I am almost afraid to write a word. as these Detectives will misconstrue Everything and distort all that is done.
Your first letter did not arrive here until to day. Your letter only received at 3. P.m. I have made search for my Copy of Articles of Copartnership of the 1901 but am unable to find it I think it must be among my papers in office. Harry & Coram prepared that article. You will see Harry on his arrival. I find our supplemental agreement of date Nov 1st 1901 which we all signed Harry has them with him.
Now the facts are these and you must deal with them accordingly First under our Articles I was not to have any interest whatever in any business you might do in any of the departments or in any land matter.
Second As a matter of fact I never knew until now that any charges for any such services had been collected either to me or

the firm or that my accounts have ever been credited with any part thereof. As I was never furnished with any statement of any bank account or of any charges whatever and I had nothing to do with the books nor did I ~~ever~~ see the same. And you will remember several times I cautioned you not to mix me up in any way with any such affair matter!

Until to this day I do not know what bank entries you have made or what you did with any cash or checks if you ever received any for any such service nor was I ever advised by you or did I have any knowledge that any part of any such cash or checks was placed either to the credit of our firm or agency. Now Judge you will agree with me I am sure these are the *facts*. And I am also sure whatever entries you made you never intended I should have any part of such cash or checks if any. And that you intended that to

some way in settling accounts between us.
No part of any such moneys or checks
should be mine, but your individual
property. I have supposed of course
that you have kept all such charges
and accounts in your own name: There is
no offence on your part in doing business
for any private people on these land
matters. I hope though you will do me
the justice at proper time in giving the
facts just as they are and as I have
stated them. You must not get rattled
or alarmed. Harry will doubtless
identify the copartnership articles of 1901.
as having been prepared by him. See him
at once on his arrival. Quit be
interested until I see you. And
Mrs Shelf Compartment, Just tell Harry
your son or any one that you immediately

Gov't Ex 9

On receipt of this drop Everything and Come directly here – bring You mostly in Trunk, but don't let Your family or any one know All the Companies book key. Bring all of them also your bank book As I am extremely anxious to see you anyway fearing what the books show. Besides it is important we should talk over with fellow who is to help defend me in regard to the case. I hope you can come if so don't let a soul know you are coming not even your family and if you can decide to come wire me as follows

'Johnson leaves direct for Washington this Evening –
James.'

I do hope you can come and immediately before you are called again before the Grand Jury.

Sincerely your friend

Jos H. [illegible]

Burn this without fail

Don't show Henry
this letter nor tell
him anything in it
Don't let him see our
books. Tell him nothing

Keep all important papers as
Safe as keep all affairs Company
Confidential. As things demand
[illegible] in [illegible] possible

THE FOLLOWING IS A LITERAL TRANSLATION OF THE LETTER REPRODUCED ON THE FOREGOING PAGES, WHICH WAS WRITTEN BY SENATOR MITCHELL TO JUDGE TANNER.

Washington, D. C., Feb. 5, 1905.

My Dear Judge:

I am almost afraid to write a word as those scoundrels will misconstrue everything and distort all that is said. Your friend with letter did not arrive here until today. Your letter only received at 3 p. m. I have made search for my copy of articles of co-partnership of 1901, but am unable to find it. I think it must be among my papers in office.

Harry, of course, prepared these articles. You will see Harry on his arrival. I found our supplementary agreements of date November 1, 1904, which are all right. Harry has these with him. Now the facts are these, and you must deal with them accordingly. First, under our articles, I was not to have any interest whatever in any business you might do in any of the departments or in any land matters. Second, as a matter of fact, I never knew until now that any charges for any such services had been credited either to me or the firm or that my account had ever been credited with any part thereof. As I was never furnished with any statement of any bank account or of any charges whatever, and I had nothing to do with the books, nor did I see the same, and you will remember several times I cautioned you not to mix me up in any way with any Land Office matters. Third, to this day I do not know what book entries you have made or what you did with any cash, or checks, if you ever received any for land service. Nor was I ever advised by you or did I have any knowledge that any part of any such cash or receipts was placed either to the credit of our firm or myself. Now, Judge, you will agree with me, I am sure, these are the facts, and I am also sure whatever entries you made you never intended I should have any part of such cash or checks, if any, and that you intended that in some way in settling accounts between us no part of any such moneys or checks should be mine, but your individual property. I had supposed, of course, that you had kept all such charges and accounts in your own name. There is no offense on your part in doing business for any honest people in these land matters. I hope, therefore, you will do me the justice at the proper time, in giving the facts just as they are and as I have stated them.

Harry will, doubtless, identify the co-partnership articles of 1901 as having been prepared by him. See him at once on his arrival. Don't be interviewed until I see you and now, *strictly confidential,* don't tell Harry, your son, or anyone. Can't you immediately on receipt of this drop everything and come directly here. Bring with you in trunk, but don't let your family or anyone know, all the company's books, day ledger, all of them, also your bank book, as I am extremely anxious to see for myself personally what the books show. Besides, it is important we should talk over with Fulton, who is to help defend me, in regard to the cases. I hope you can come. If so, don't let a soul know you are coming, not even Harry. And if you conclude to come, wire me as follows:

"John leaves direct for Washington this evening." "TANNER."

I do hope you can come *and immediately,* before you are called again before the Grand Jury.

Sincerely your friend, JOHN H. MITCHELL.

P. S. Don't show Harry this letter, or tell him anything in it. Don't let him see our books. Tell him nothing.

P. S. Keep all important papers in safe and office carefully locked, as those scoundrels will get in if possible.

P. S. *Burn this without fail.*

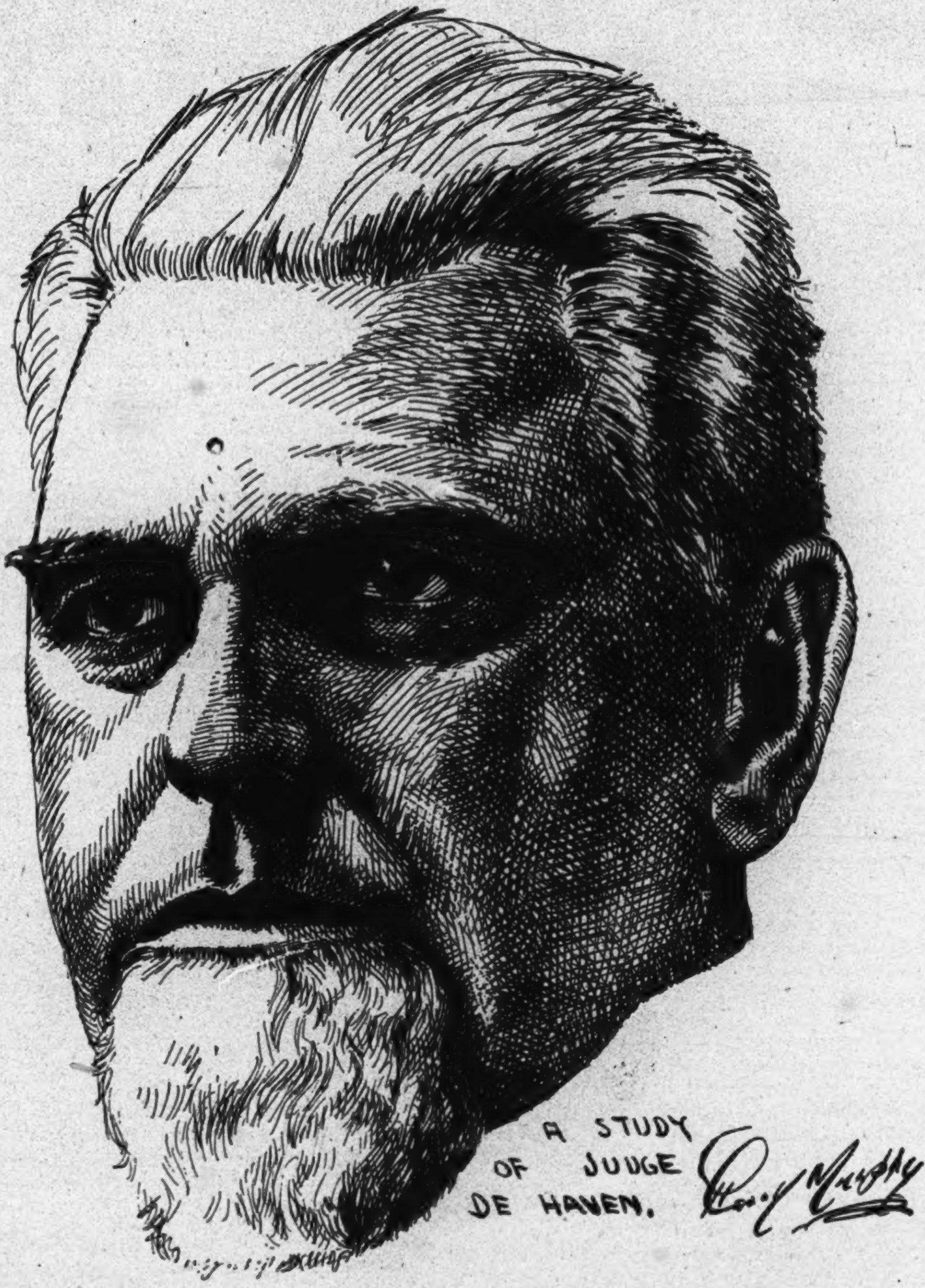
the proceedings. So important, in fact, was the case considered, that the Morning Oregonian published daily a verbatim report of the trial, and this act on the part of the newspaper received general commendation, especially in view of the fact that Harvey W. Scott, its editor-in-chief, had long been a political enemy of the disgraced statesman. In its graphic description of the scenes incident to the jury's verdict of guilty, the Oregonian the next morning printed the following sketch:

"Although hard hit, as a man must be under such awful conditions, Senator Mitchell retained his composure. Tears welled into his eyes and his voice shook, and, as he slowly rose from his seat, after the jury had been polled and Court adjourned, he tottered, and for the brief spell of perhaps a minute the shocking force of the verdict seemed suddenly to unload upon his shoulders every one of those 70 years through which he has passed, and he became old, very old."

Immediately after the verdict had been rendered, Francis J. Heney gave out the following statement; "I congratulate Oregon upon the high standard of its citizenship, as exemplified by the conduct and verdict of the trial jury which has just evidenced to the world that Oregon believes in the enforcement of the laws of our country, and that in Oregon no man is above the law. Every man who sat upon the jury is entitled to have his name emblazoned upon Oregon's perpetual roll of honor."

But little more remains to be told about the case. On July 25, 1905, Judge DeHaven sentenced Senator Mitchell to six months in the Multnomah County Jail, at Portland, Oregon, and also imposed a fine of $1,000. Pending an appeal from the verdict of the jury, Senator Mitchell succumbed to death, passing away in Portland on December 8, 1905, as the result of a dental operation, his ailment being diagnosed as diabetic coma.

A group of sugar pines


A STUDY
OF JUDGE
DE HAVEN.
Murphy

United States District Judge John J. De Haven, of California who presided at the trial of Senator Mitchell

Chapter XIV

Tells how the acquaintance between the land fraud king and his chief lieutenant originated—Also gives a graphic account of the brilliant social function in Chicago, wherein the gay and festive Horace G. McKinley leads the charming Marie L. Ware to the altar, both bride and groom being exceedingly well known in land fraud circles—Cards are sent out announcing that the happy couple would be "At Home" in 11-7—Recites the preparations for McKinley's flght to the Orient, and pretends to describe the form of punishment meted out by the Chinese Government to its own looters of the public domain in the Flowery Kingdom.

THERE has been such frequent allusion to Horace G. McKinley in these pages that I feel it incumbent to satisfy whatever public curiosity has been aroused by giving a brief history of my first acquaintance with the man whose subsequent career has been so closely identified with my own.

During the summer of 1892, while I was still in partnership with Willard N. Jones and dealing in State indemnity lands, I received a call at my residence in Portland, Oregon, from a young man from La Crosse, Wisconsin, who, after introducing himself, stated that he had learned that I was in a position to furnish base upon which to make lieu selections, and he was desirous of consulting me in reference to a matter in my line. I was much impressed with the personality of my new client, and lost no time in attending to his wants. It seems that he had located some forty or fifty homesteaders on a tract of timber land near Crawfordsville, Linn County, on the Callapooya River, and that the Southern Pacific Company had contested some of the entries on the ground that they were on odd-numbered sections, and as the tract was within the 30-mile limit of the company's indemnity grant, it was contended that the Government had no right to dispose of the lands. Eventually, I succeeded in perfecting title to the claims, and they were sold subsequently to some lumbermen of La Crosse. Thus was begun an acquaintance that has since ripened into the warmest friendship between us.

After dissolving partnership with Willard N. Jones, I continued to transact business for McKinley in the matter of procuring titles for him to lands under the State indemnity laws, and about a year later we entered into a full co-partnership, under the terms of which we operated in timber lands throughout Oregon and Washington up to the time we were both convicted in the 11-7 case.

I found him to be an apt pupil along some lines, although inclined at times to reckless and extravagant habits. He was generous to a fault, and had a faculty of making friends very rapidly wherever he went, and especially with the fair sex, as his good looks and affable manner seemed to appeal to women almost instantaneously. Whatever his failings may have been, I could not help but admire him for his bold and dashing ways, and the confidence he displayed under many trying circumstances. Whether it was a ten-cent piece or a $1,000 bill, he would squander both with equal grace, go to bed contented and wake up in the morning with a happy smile. I have known him, in fact, to engage rooms at the Hotel Portland at a cost of $10 a day, with as much as $5,000 in his pocket; pass the evening at the theater, and before retiring, drop into some gambling resort for the purpose of placing a small bet—"just to win breakfast money," as he would put it. Before leaving the establishment he would lose every dollar he possessed, arise from the table with the same cheery disposition, borrow the price of a meal from a friend and repair to his bedroom, where he would sleep as peacefully as an infant. In the morning he would wake up and dress, seek some downtown lunch counter and relish a 20-cent breakfast with the same gusto he might display at a feast for the gods. He would then brace up to anything that looked like ready money, close another big deal, and before nightfall be in the swim again with pockets lined with gold, and as ready and willing as ever to repeat his performance.

It was while we were engaged in business along the lines indicated that McKinley first met his present wife. As Miss Marie L. Ware, she was the United States Commissioner at Eugene, Oregon, and the two were brought in frequent contact through official association, as our transactions through her office were quite extensive, and originally upon a perfectly legitimate basis. It was a bad case of love at first sight between them, and anybody but a blind person could readily guess the outcome. Although Horace was already married, and had a wife living at West Salem, Wisconsin, the cares of matrimony hung very lightly upon his shoulders and did not hinder him in any way from paying devout court to the fair Marie. So attentive to each other did they become, in fact, that Mrs. McKinley finally sought a divorce from her husband, and the ink was hardly dry on the decree before Horace and Marie were made husband and wife. As the facts relating to their marriage have never been published, and as they naturally form an interesting feature of my story, it affords me pleasure to give my readers full details of the affair.

Immediately after the conviction of Senator John H. Mitchell, in the summer of 1905, I had a consultation with McKinley, and as we had some timber deals pending, we decided to go East and endeavor to close them up. Taking the train at Portland, we proceeded direct to Chicago, remaining there something like a month or six weeks, when McKinley returned to Seattle, where he expected to negotiate the sale of some lands, while I went to Detroit, Mich., from which point I operated throughout the State, visiting a number of the larger timber land operators with whom I was acquainted, and also calling on several in the State of Wisconsin with whom I had done business previously. I found them all more or less indifferent to making further investments in Oregon titles, however, and was unable, because of the land fraud trials, which were then in full progress, to consummate a deal of any particuar magnitude, although I did succeed, through hard work, in disposing of a few quarter sections of minor importance.

The main question in the minds of Eastern lumbermen at that moment related to the validity of titles to lands which they had already purchased, and few among them felt disposed to make additional investments, because of the stirring up that Francis J. Heney was giving the timber land operators at that particular time, and which, it was believed by many, would affect lands to which they had already received patents. I soon found, in discussing the subject of Mr. Heney's prosecution of the Oregon cases, that more time was being consumed in giving information than was being devoted to the selling of lands, and commenced to feel discouraged because of the outlook of turning an immediate trade. While thus engaged I received a letter from McKinley, written at Seattle, in which he advised me of his wife having secured a divorce from him, and of his intention to wed Miss Marie L. Ware, of Eugene, Oregon, and requesting me to meet Miss Ware and himself in Chicago, where the ceremony would take place. I was much surprised in receiving McKinley's letter, as it was the first intimation I had received that my old partner was divorced and free to wed the woman of his choice and for whom I was aware that for some years past he had entertained a great admiration.

Upon receipt of his letter, I immediately wired my acceptance of his invitation to the wedding, and lost no time in reaching Chicago, where I found Miss Ware and McKinley registered at the Morrison Hotel, they having arrived from the West that morning.

Marie Ware-McKinley, whose marriage to Horace G. McKinley was the occasion for much joy at the wedding feast in Chicago

After accompanying them to the courthouse, where a marriage license was procured, we took an automobile and repaired to the parsonage of an Episcopalian minister, that being the church in which Miss Ware was baptized, and she expressed a desire to be married under its rites. We found, however, upon arrival there, that the pastor could not perform the services on account of McKinley being a divorced person.

Returning to the courthouse, we consulted with the Clerk of the Court, who conducted us to an official in the same building, who performed the ceremony, after which a few hours were spent in automobiling about the city and taking in the sights. We then returned to the hotel and prepared for the wedding feast, which had previously been arranged for at Kinzie's cafe.

To those of McKinley's friends who are acquainted with the man and with his manner of doing things, it is useless to observe that no detail in the arrangements had been overlooked, and that the spread was a most elaborate one. Even to the orchestra itself, which consisted of the very best talent in the city, he had given his personal attention, going so far as to make selections of the music which they should render for the edification and pleasure of his guests.

The decorations, consisting chiefly of choice flowers of the most expensive varieties, were exceedingly profuse and very artistically arranged. The whole surroundings, in fact, denoted the gala feast of a Western prince, and those who partook of the good things on that occasion will ever remember their host as the liberal entertainer for which he is famed the lengh and breadth of the land.

I had the honor of acting in the capacity of "best man," and as such, was given a favored place at the festive board. It might be stated, however, that every gentleman present, being more or less imbued with a sense of chivalrous responsibility, assumed the honor of attending upon the groom and his charming bride. But we had failed to reckon with our host and his accustomed style of entertaining. As the time wore merrily on, and the popping of corks contributed its emphasis to the general hilarity of the occasion, McKinley discovered that quite a number of the regular patrons of the cafe, who had lingered to give audience to the delightful music, were not receiving sufficient attention, according to his ideas of true Western hospitality. He thereupon lost no time in extending an invitation to all hands in the dining room to join in the festivities, the orchestra itself being included in the spontaneous request. As the ranks of those already in the establishment were constantly being augmented by newcomers, who were likewise given the glad hand by the irrepressible McKinley, the affair soon developed into one of the grandest receptions of its kind ever witnessed in Chicago, and that the local newspapers did not get hold of the story is one of the mysteries of modern journalism.

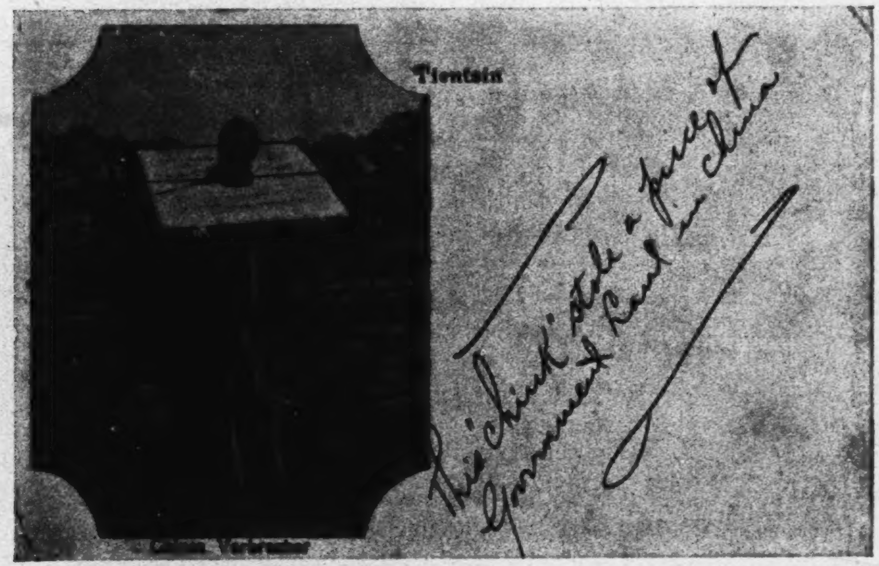
In consequence of the quantity of good things of life consumed, the orchestra took a marked departure from its programme as originally planned with such artistic measure of the proprieties by the genial host. Instead of the sweet strains from Lohengrin awakening all the sentiments of those present they were regaled with "A Hot Time in the Old Town Tonight;" and in place of other classic selections, made by McKinley with equal consideration as to the fitness of things, the orchestra had its own ideas on the subject, and furnished the merrymakers with all the latest ragtime music.

Needless to say, Mac was the lion of the hour, and congratulations were showered upon the happy couple from every quarter of the cafe. Some weeks later, cards were out announcing that Mr. and Mrs. Horace G. McKinley would be "At Home" to their friends after November 1, 1905, on their homestead in 11-7. It was a fitting climax to the vaudeville features of the occasion, and illustrates fully with what feathery weight the serious affairs of life rested upon those most concerned. They remained for awhile in Chicago, but later took a honeymoon trip to the Pacific Coast. Leaving Marie in Seattle, Horace returned East, and I met him in Chicago again. Together we went to Minneapolis, from whence Horace sent for Marie, and she joined him there.

While we were in Minneapolis, McKinley informed me that he might have to leave the country for awhile, and that he had consulted Chicago attorneys with that object in view. They had given him a synopsis of the extradition laws, showing that there were few countries he could go to where he would be safe from extradition under the treaty laws for offenses of a conspiracy character. He virtually had his choice between China and some of the South American republics.

"No doubt, Steve," he said, in explaining matters, "we will want to correspond with each other, and this had better be done through my cousin, Allie McKinley, who conducts a saloon at 222 McAllister street, San Francisco, as he can be trusted on account of his relationship to me."

Up to this time I had entertained no thought that McKinley intended to leave the country. Soon after he took his departure, without any of us knowing his destination, and later he wrote to Marie from Omaha, stating that he was en route to either Florida or San Francisco, and it would be uncertain when she would hear from him again. It developed that he went to China, and it was a long time before I received any direct word from him. What I did get bore striking evidence that all the humor in his nature had not been entirely obliterated by contact with disagreeable experiences. One of his communications to me consisted of a photographic postcard, exhibiting the picture of a Chinese in "stocks," the form of punishment for certain offenses in vogue in that country. Upon this, in his familiar handwriting, McKinley had inscribed, "This Chink stole a piece of Government land in China." That was all, but it struck me as amply expressive. He did not even sign his name, but it was unnecessary for him to have done so, as the whole thing spoke volumes, and I could trace his facetious individuality in every word. A facsimile of the postcard is given herewith.


Tientsin
This 'Chink' stole a piece of Government land in China

Chapter XV

Describes Puter's flight from the Pacific Coast upon learning that the Oregon State authorities were after him on account of his connection with alleged fraudulent school land deals in that State—Also tells about the various disguises he adopted to avoid detection, and gives the inside facts pertaining to his unique system of correspondence with his family and friends for the purpose of baffling pursuit.

IN visiting Minneapolis, about the latter part of October, 1905, I was surprised to meet Mrs. Marie Ware-McKinley, in company with her mother-in-law, Mrs. James McKinley, at the Nicholet Hotel. I asked Marie as to the whereabouts of Horace, whereupon she replied to the effect that she had hoped to learn from me where he was, as he had left for parts unknown several days before. Marie then inquired if I had learned of any trouble, as Horace's actions, she stated, denoted that all was not right. Being in the dark on the subject, I could give Marie no information, so she said she would go on to San Francisco, where she would remain with her brother, Joel Ware, until something definite was learned about her husband.

From Minneapolis I returned to Michigan, where I remained several weeks, and then, concluding to go home, I went to Chicago, where I purchased a ticket for Berkeley, California. At Ogden, I secured a few Portland Oregonians of recent dates, and in perusing them later, I noticed an article stating that both McKinley and myself were wanted in Oregon for some school land transactions of an alleged fraudulent nature, reference to which is made in a subsequent chapter.

Arriving at Berkeley, my wife informed me that some officer had a few days previously called at the house and asked if I were in the city, and she told him that I had last been heard from in Chicago, as she then had no knowledge of my movements.

Concluding that I was being wanted on some charge, and not desiring to return to Oregon at that time, as I was then under $8,000 bonds, and did not wish to be put to the trouble of finding additional sureties, I decided to go to New York, where I was unknown, until such time as I could get additional information with reference to the charge against McKinley and myself, and communicate with him in regard to the matter.

Not wishing to impose the necessity of falsity on my wife, because of her known aversion to becoming a party to anything of the kind, I told her that I was going up to Humboldt County, Cal., and would return on the Steamer Pomona in about ten days. I did not, however, have any intention of going there, but if she were pressed for a direct answer as to my whereabouts, she would be enabled to tell the whole truth, so far as her knowledge went, and at the same time, I would be safe from detection.

Gathering together what few things I might require for a short trip, in the shape of wearing apparel, etc., I took the Berkeley train to the Oakland pier, and crossing the bay to San Francisco, engaged a room at one of the uptown hotels, where I remained three days. While there, I called on Marie to ascertain if she had received any information concerning her husband since his sudden departure. She stated that she had heard of Horace having sailed for the Orient some ten days previous to her arrival in San Francisco, accompanied by "Little Egypt," a notorious muscle dancer. She admitted that Horace might have gone to China—in fact, thought it probable that he had—but would not believe that he had taken Little Egypt with him. Marie expected daily to hear from her husband, as he told her brother, Joel Ware, that he would write when settled, and would address all correspondence direct to him for her.

Leaving Marie, I consulted an old friend, in whom I had implicit confidence, for the purpose of making arrangements about my own correspondence, and put him "wise" to the situation. It was decided between us that in order to correspond with my family and friends and to receive such communications from them as they might wish to send me, it would be best for him to engage a postoffice box in San Francisco under the name of C. C. Cravet, a name I had selected at random for the reason that there was none similar to it in the city directory of San Francisco.

After renting the box, my friend returned to his home, where I was in waiting, and gave me the number, which I made a note of in my diary. I then instructed him to visit the postoffice for mail not oftener than three times each week, and always at night, and under no circumstances was he to abstract a letter from the box if any one was in the lobby. I instructed him further, upon receiving mail from me addressed to C. C. Cravet, that he was to open the outer envelope and deliver the sealed envelope inside to whomsoever it might be directed. All answers to my letters he was to call for personally, the same to be enclosed in a blank envelope, which he was to address to me in his own handwriting to J. H. Brownell, General Delivery, New York City.

I requested my friend to call on Mrs. Marie Ware McKinley, corner of Bush and Jones streets, at least once each week for any letters she might have for me from her husband, Horace G. McKinley. Also to call on my wife at Berkeley for any mail she might wish to forward, but not to make this latter visit until after he had received a letter from me addressed to her. It was distinctly understood that under no circumstances was my friend to divulge to my wife, any member of my family, or to Marie Ware McKinley, the name, J. H. Brownell, which I had assumed; neither was my whereabouts to be made known to them, nor was he to inform them as to the name or manner under which he was receiving mail from me. Visiting Marie McKinley again, I told her that a friend of mine would probably call at least once a week for any information she might wish to communicate to me from her husband, and instructed her, in all cases, to seal such communications in a blank envelope before delivering it to this friend, who would take care of the rest.

As to the name, J. H. Brownell, while I did not use the initials of the only original and notorious person of Oregon political fame, I could not resist the temptation of employing the name itself, as it occurred to me that a man with George C. Brownell's reputation for squeezing out of tight places, however pinched the situation or small the hole, could not help but bring me luck if I were ever surrounded by similar conditions.

In explanation of the great precaution taken with my mail to avoid detection, it may be stated that I became quite familiar with the methods adopted by the well known Government secret service agent, W. J. Burns, during the land fraud trials in Oregon. He had often related to me, in describing past adventures, of the difficulty experienced in trailing counterfeiters and other Federal criminals, in which cases, he would frequently be obliged to resort to seeking information through the mails in order to run his quarry to cover.

It is well known, of course, that Uncle Sam protects the patrons of his postoffice department to the extent of forbidding any one, the Government detectives included, from meddling with mail matter in transit from one place to another, or while being distributed at the postoffices. It is nevertheless true that in certain instances and under pressing circumstances wherein our Uncle himself may be concerned, these Secret Service men of the Govrnment, if I am to take Mr. Burns' statement seriously, have a peculiar habit of camping on the mail overnight, with the result that they are very much enlightened in the morning concerning the contents of certain letters over which they have slumbered.

Having made all arrangements with regard to the forwarding of my mail, and being anxious to leave the city without further delay, as the daily papers, at this time, were making frequent mention of the official desire to apprehend McKinley and myself, I decided on adopting some little disguise by way of extra precaution, so I proceeded to a barber shop in a remote section of the city, where I was relieved of my moustache, much to the disarrangement of my facial beauty, to say nothing of my personal pride. I then repaired to a haberdasher establishment, where I purchased a line of wearing apparel, altogether different from anything which I was accustomed to wear, including a very long, light-colored coat, besides a slouch hat, of the genuine cowboy style. In addition to this, I purchased a pair of gold-rimmed spectacles, which materially changed my appearance. Calling on my friend again, for the purpose of making further arrangements in regard to my mail, as well as concerning plans for my departure from the city, I was much surprised and gratified to observe that neither himself nor his sister recognized me until I spoke.

At my request he purchased a ticket for me to New York City, over the Santa Fe line, via Kansas City and St. Louis, checking my trunk direct to New York. I also instructed him to take the Santa Fe ferry boat from San Francisco to Point Richmond, at which point I would meet him, when he could hand me my transportation and trunk check. At 9 o'clock that evening, I took the ferry boat for Oakland, thence by street car through Berkeley to Point Richmond, arriving there at 11 o'clock, just in time to see my friend and catch the train. It being late, and feeling fatigued after my day's running around, I went direct to my berth and retired for the night. On the morning following, while on my way to the dining car, I was particular to observe every one with whom I came in contact and was pleased to know there were no familiar faces on the train.

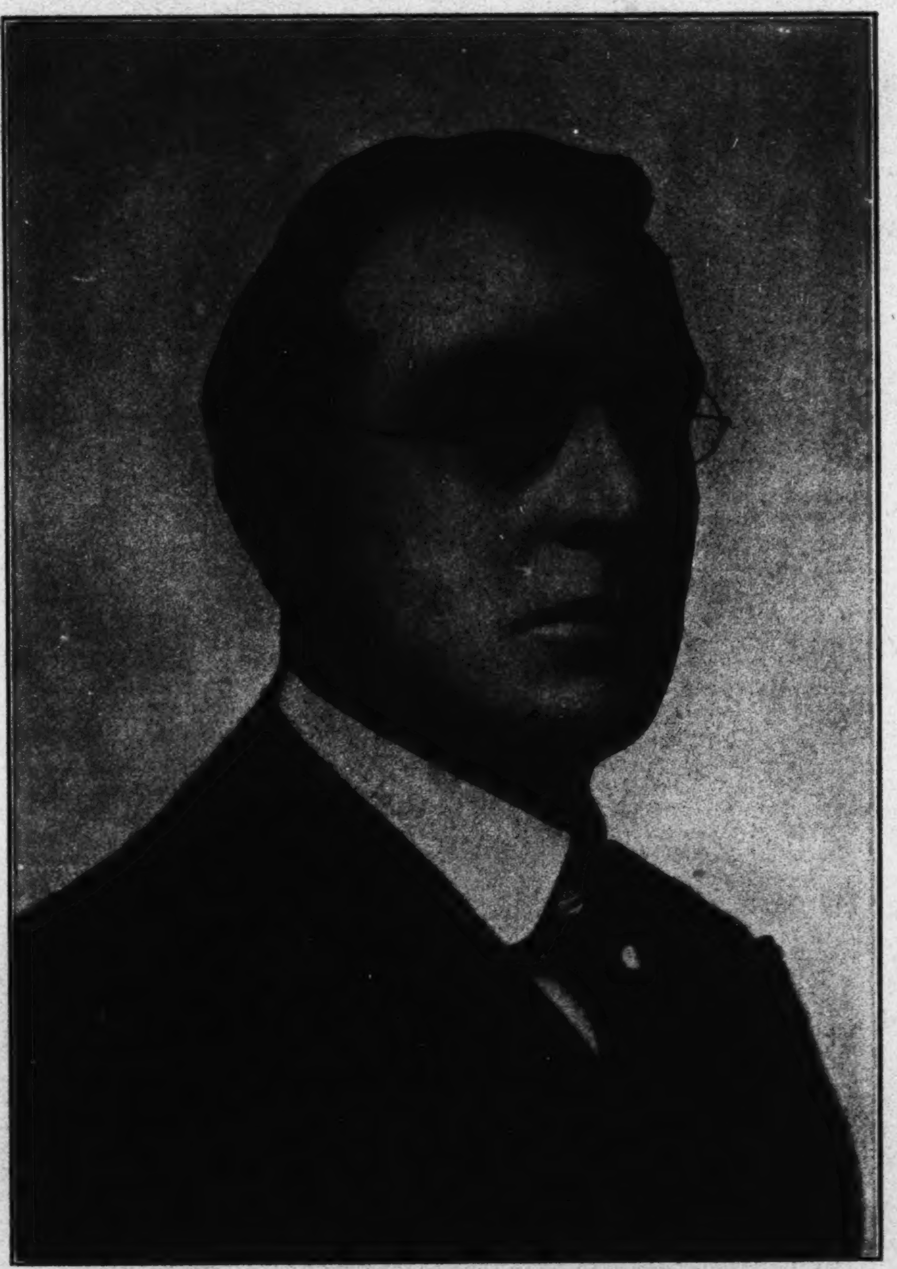
Upon arriving in New York City, I registered at the Cadilac Hotel, 43rd and Broadway, under the name of R. S. Barr, Chicago, Ills., remaining there about a fortnight. During this time I did not seclude myself, being on the streets every day, nor did I attempt any further disguise than that adopted immediately before leaving San Francisco. I felt perfectly safe in New York City, as the transient population is very large, and one might easily travel about the city for months at a time without any fear of recognition, even without any disguise.

My first act upon arriving in New York was to write to my wife, dating the letter from Vancouver, B. C., although I did not make any reference to my real address, creating the impression that I was in that city at the time of writing. This letter was inclosed in an envelope addressed to Mrs. S. A. D. Puter, Berkeley, Cal., and it in turn was placed in another envelope, addressed to C. C. Cravet, Box 371, San Francisco, Cal. Upon receiving reply, about nine days later, which came through to J. H. Brownell, care General Delivery, New York City, I felt assured that, for a starter, at least, my mail system was working to perfection. In her letter my wife expressed great surprise relative to my whereabouts, as she was under the impression I had gone to Humboldt County, Cal., and for some time had been expecting me home.

As things were becoming monotonous, I decided to go to Boston, and pass a few days in sightseeing. Arriving there, I registered at the Lexington Hotel, still using the name R. S. Barr, of Chicago. After remaining about ten days, I took quite a liking to the historic old city, so returned to New York for my trunk and mail and then came back to Boston.

In the mail was a letter from my wife, in which she informed me that two officers had called at the house, stating that they had a search warrant for me, and had demanded permission to search the premises. My wife informed me that she protested against any such action on their part, assuring them that I was not at home, and that I had not been in the city for several weeks. However, she had consented to the search being made after they asserted their authority to do so.

My wife's description of the manner in which the two officers went through my house, from garret to basement, was very amusing. With fine clothes and



State Senator Robert A. Booth, Vice-President of the Booth-Kelly Lumber Company, under indictment for Oregon land frauds spotless linen at the beginning of their search, because of their persistency in going through every old box in the garret and storeroom, they left looking much like a brace of professional chimney-sweeps. They had gone through everything —had even thrown the laundry out of the clothes-bag and inspected the inside to make sure that I was not sticking to the bottom. Finally the chimneys were probed, until the sleuths had bespattered themselves—and everything else—with an ancient accumulation of soot, and not until the very walls of every room had been carefully sounded, were they satisfied to give it up as a bad job.

This letter was the first authentic informatoin I had received that satisfied me the officers were really wanting me, though I suspected from newspaper reports that such was the case. However, I felt very much gratified to learn, as this letter indicated, that the officers were altogether off the scent.

On this second visit to Boston, I put up at the Thorndyke Hotel and continued to walk about the streets and visit the theaters, as I had been accustomed to doing in New York City, using a little more precaution, however, by way of disguise, having adopted the use of goggles, which enabled me to recognize familiar faces on the street without exciting comment.

During my two weeks' stay at the Thorndyke, I recognized two or three familiar faces from the Pacific Coast, so I concluded it would be safer to stop at some private boarding house, not so centrally located, where I would be less liable to detection. This I found in a private family on Massachusetts Avenue, opposite the Fenway branch postoffice, where I engaged board and room by the week. I was now located in the fashionable residence district about a mile and a half from the center of the city. After my week was up, the place having proved entirely satisfactory, I engaged room and board by the month, as I expected to remain some time, or until I could learn definitely how matters stood.

In the meantime, I received several letters from my wife, through C. C. Cravet, all of which had come through the General Delivery Department of the main or downtown postoffice; so after becoming located in my new quarters, I wrote and instructed him to address all mail in future to the Fenway branch postoffice, care General Delivery.

The first letter received at the new address was from Horace G. McKinley, dated at Shanghai, China, which he had forwarded to his wife with instructions to send to me. It contained little news of importance, further than to apprise me that he was in Shanghai, and that he was undecided about his future movements. He stated also that he had made arrangements with his cousin, Allie McKinley, of McAllister street, San Francisco, whereby myself and other friends might correspond with him in safety, and requested me to send my reply, and all future communications, to Allie, to be readdressed by him in China.

Horace spoke of his cousin as being thoroughly reliable and trustworthy and a person in whom I might place every confidence without reservation, and urged that I adopt this means of communicating with him, rather than to try to reach him through any other source.

While I had no reason to question Horace's opinion, or to believe that his confidence in Allie had been misplaced, at the same time, I had made my own arrangements as to how I should communicate with friends, so instead of following Horace's advice in making reply, I sent it direct to my friend C. C. Cravet, who delivered the letter in person to Mrs. Marie Ware McKinley, who was to forward it to her husband.

In Horace's second letter, received a few weeks after the first, he appeared anxious to learn if it were possible to adjust the difficulties into which he had recently become plunged, stating that in such event he would gladly return to the United States. Replying to this inquiry, I assured him that I was not in a position to give him the desired information, for although I had written to all the parties with whom he had dealings in school lands, I had not, at the time of writing, received answers to any of my letters.

During the three months I was in Boston, it was my custom to make daily visits to the public library for the purpose of scrutinizing the columns of the Portland Oregonian, that I might keep in touch with affairs on the Pacific Coast, and more particularly, that I might learn if there was anything new in my case. In looking over its columns, about the first of February, 1906, I noticed an article stating that Francis J. Heney had instructed W. J. Burns, the detective, to apprehend Horace G. McKinley and myself, and bring us into camp forthwith. I had realized for some time, because of the search made of my house in Berkeley, that I was being wanted by someone, but had no positive knowledge, until reading the article in question, that the Government officials were concerning themselves as to my whereabouts.

As I was under $8,000 bonds to the Government, and had no thought of running away from the Federal charges, my first impulse was to wire Mr. Heney to that effect, and to state, in substance, that I would be on hand when wanted. However, as I had not yet heard from those to whom I had written with reference to the State land trouble, and believing that the Government was not yet ready to go to trial on cases in which I was concerned, and as I considered myself reasonably secure from detection and was desirous of securing additional time in which I hoped to adjust the other difficulty, I decided to remain in my present state of seclusion for awhile longer. Meantime, I continued in correspondence with my family and others as usual, and concluded that so far as my method of postal communication was concerned, there was no danger of my hiding place being discovered.

Indian grave constructed of drift wood on St. Michaels Island, Alaska

Chapter XVI

Full particulars regarding Puter's exciting capture by Secret Service Agent Burns at the Fenway Branch Postoffice in Boston, on the night of March 26, 1906, and his subsequent sensational escape from the famous Government sleuth —Clever plans are prepared for ensnaring the land fraud king, but the postmaster's blunder upsets calculations—Puter's gun-play after a fierce battle on the sidewalk causes the great detective to beat an unceremonious retreat and enables the wily land grabber to get away—Details successful efforts to evade re-capture, and tells about his wanderings following escape from Burns.

BUT I had reckoned unwisely, for while it must be admitted that every reasonable precaution had been adopted by me relative to my correspondence, and beyond any question of doubt my friend Cravet had discharged faithfully the trust imposed upon him, at the same time I had overlooked the fact that "Foxy Quiller" Burns was on my trail, and if he became set on making a capture, would find the means of running me down.

About 5:30 o'clock on the afternoon of March 26, 1906, I visited the public library in Boston, as was my usual custom, for the purpose of looking over the files of the Portland Morning Oregonian, in order to keep in touch with affairs at home, and while en route to my room, stepped into the Fenway branch postoffice and inquired for my mail. It struck me as rather peculiar that the postmaster should respond offhand in an unusually loud tone of voice, "Yes, Mr. Brownell, I believe we have a letter for you!" but I did not give it much thought, and took more interest in watching him sort over the mail. He finally handed me a letter, which I placed in my pocket and was on the point of taking my departure when I received a light tap on the shoulder. Glancing quickly around, whom should I behold but the immortal William J. Burns himself, and as one glad to meet an old friend, he extended his hand with the remark:

"Hello, Steve, how are you?"

Returning his cordial greeting, I expressed surprise at meeting him in Boston, remarking that I supposed he was still on the Pacific Coast.

"Well, I am everywhere, you see," explained Burns. "Step into the private office, Steve, and I will tell you how it happened," he continued.

Making a swift sweep of the lobby with my eyes, apparently unconcerned, I noticed a number of persons of both sexes moving about, but one man in particular impressed me as keeping a close watch on Burns' actions, as if with the intention of assisting him should occasion require.

In compliance with the request, I stepped into the private office of the postmaster, and taking seats, we entered into a general conversation. Noting that I had taken from my pocket the letter just received, and was holding it in my hand, Burns suggested that I open and read it, as it was probably from my wife. I proceeded to do so, when a small newspaper clipping dropped from the envelope to the floor. Observing this, Burns said:

"That is an article regarding McKinley's escape to China with 'Little Egypt,' and will prove of interest to you!"

With this remark, the thought immediately flashed through my mind that the wily detective had enjoyed another "sleep" on the mail sack.

Observing that the Boston postmark on the back of the envelope indicated that the letter had arrived that day, and recalling that I had inquired for my mail the day before, as well as on that identical morning, I concluded that my

William J. Burns, the famous Government sleuth, from whom Puter made his sensational escape in Boston on the night of March 26, 1906 friend Burns had just reached town. I would not insinuate for a moment that the Government sleuth carried my letter with him all the way from Berkeley, California, to Boston, but of one thing I felt certain, and my assumptions afterwards proved correct—Burns and the letter arrived in the Eastern city simultaneously. My readers may therefore draw their own conclusions as to how, when and where he became possessed of the knowledge that this particular epistle was from my wife, and that the clipping it contained was a graphic description of McKinley's escape to the balmy shores of the Orient.

Opening the letter, I made every pretense of perusing it. Another thought, however, occupied my mind. Realizing, as I did, that the critical moment had arrived, it was a question with me as to just how I should act, particularly having in view the idea that to keep cool was my only salvation. This had been impressed upon me from the very moment that Burns had electrified my entire nervous system by his magnetic touch on my shoulder.

It was the recollection of the many stories told me by Burns himself during the period he was gathering evidence in the land fraud trials at Portland, that put me on my guard. I was with him a greater portion of that time, and we became quite confidential to a certain degree. He had often related thrilling anecdotes connected with his capture of dangerous criminals, and had invariably attributed his success to the bold and fearless manner in which he would go after them, laying particular stress upon the necessity for keeping his head under the most trying circumstances. Therefore, if I hoped to accomplish results, I must follow the teachings of this past master of the art, and through the adoption of his tactics, it will be seen later how the pupil eclipsed his instructor.

Glancing hurriedly through the letter, as if to make casual note of its contents, I finally settled down to an ostensible careful perusal, but in reality as a measure for gaining further time, as night was wearing on, and I eagerly welcomed the darkness. When I thought it impossible to give the letter more attention without arousing suspicion, I placed it in the envelope and methodically returned it to my pocket, after which we proceeded to engage in general conversation once more.

He asked me all about matters in which we were mutually interested: how long I had been East, and what I was doing in Boston; had I heard from McKinley? and why did he run away? The subject of my home affairs also engrossed the careful consideration of my distinguished host, and the Oregon land fraud situation formed an interesting feature of our discussion.

I felt, as the moments passed, that each would be my last in the postoffice, and that Burns would soon suggest a change of base. I could not understand, at the moment, why he did not broach the subject of his mission to Boston, as I knew full well that his sole purpose in coming there was to place me under arrest. It developed, however, that he, like myself, was playing for time, but with another object in view. In my case, I hoped for night to come that I might make good my escape; with him, it was a question of delay in order to surround himself with sufficient force to effect my capture without difficulty, and prevent any possible chance of escape.

Detective Burns, when he first arrived at the Fenway postoffice, had arranged with the postmaster that the police department should be notified immediately after my appearance, when a squad of patrolmen should be sent to escort me to the station. It was also agreed between them that the postmaster, upon arrival of these reinforcements, should tap gently with his pencil the frosted window of his private office, which was to be the signal to Burns that everything was in readiness. This precaution had never occurred to me, and when, in the general course of business, the postmaster accidentally dropped his lead pencil, its ringing notes fell as a signal upon expectant ears, and brought with them a complete change in the demeanor of my entertainer. Rising brusquely from his seat, and addressing me in the coldest tones imaginable, with a light in his eyes that told its own story of suddenly acquired confidence, he said:

"You are aware, no doubt, Puter, that I have a warrant for you, and that you will be obliged to return with me to Oregon?"

"Yes, Mr. Burns, I presumed as much when you first spoke to me," was my rejoinder.

"Well, Steve, come along then—we will be on our way to the station," continued Burns, at the same time grabbing me roughly by the coat sleeve. As he said this, there was another noticeable transformation in the man's conduct towards me, and had I not been prepared for it in a way, his heartless manner might have worked my complete collapse and upset all my plans. It was the change from Burns, the man sociable—my friend—to Burns the detective, cold and severe!

At this point I made some effort to parley with him, still hoping to gain a little more time by the operation. We had reached the door of the private office, and it was partially open. Standing thus, I endeavored to secure from him an admission as to the particular cause of my arrest, as I was still under bond to the Government in all the Federal cases against me, and could not understand what motive prompted a Government official to demand my return to Oregon when I felt satisfied that whatever new criminal proceedings had been instituted against me were the result of State charges.

However, when I saw that it was useless to attempt any further delay along these lines, I apparently gave in, and consented to do as he desired, but requested the privilege of being permitted to go to my room for my grip and suitcase and such clothing as I might require for the journey West. My object in making this request was to get Burns where I knew he was unacquainted, and to a locality where I was familiar with every nook and corner, and because of this knowledge of surroundings, to give him the slip and get away.

But "Foxy Quiller" Burns evidently suspected my object, and avoided the trap, so I dropped the subject without further comment. I knew, as a matter of fact, that my opportunity would come, and concluded to be patient until that time arrived. My watchword, as in the beginning, was to keep cool.

After we had stepped into the lobby of the postoffice, I glanced around, and to my surprise and satisfaction, I observed but one man present—the one who had been there when we entered the private office. A number of women were also moving about, attending to postal matters, but they did not interest me so much as to know that so far as Burns and myself were concerned, we were practically alone.

This idea must have been uppermost in the mind of my captor, because, upon reaching the street, still arm in arm, there was a look of keen disappointment on Burns' countenance. He was manifestly agitated, and his air of supreme confidence that had reigned with such visible force a few moments previously, had apparently deserted him. He glanced uneasily around from right to left as if seeking somebody, and all his actions indicated clearly that he was very much at sea over some unexpected situation.

Knowing that the police station was but two blocks away, I realized that the time for action had arrived, and that something must be done without delay. I anticipated, as a matter of course, upon reaching the corner, that Burns would turn to the right for the purpose of walking me directly to the station, but instead he stopped, or hesitated, as it were, and I could now see that the great, bold and daring Burns, the one fearless detective who was reputed to be the personification of an iceberg itself, even under the most trying conditions, had really become excited.

Upon reaching the corner and glancing about again, he noticed a car approaching and suggested that we take it. Realizing at once that he was in ignorance relative to the close proximity of the station, and as a measure to gain further time, I remarked:

"Didn't you say we were going to the police station?"

"Yes," replied Burns.

"All right," I ventured; "but that is not our car. It will probably be the one following or the next after that."

From the moment of leaving the postoffice, I had been planning as to just how and when I should attempt to reach my revolver, which was in a rear trousers pocket, and difficult to get hold of on account of the long, heavy overcoat I was wearing. I must, of necessity, get my hands on it, and at the same time avoid arousing suspicion—but how?

Burns' uneasiness and the excitement under which he was laboring gave me much encouragement, and was just the kind of stimulant I required for action.

The corner upon which we were standing was a very busy one, more especially at this time of evening, as it was now shortly after 6 o'clock.

The accompanying cut shows the Fenway postoffice, located at the corner of Boylston street and Massachusetts Avenue, in the State Street Trust Company's branch building.

As the cars were coming thick and fast, crowded with passengers, most of whom were obliged to transfer at this particular point, and secure transfers from the agent who stood at the electric pole to the left, as shown in the photograph, and in doing so, were obliged to pass directly by where Burns and myself were standing, I concluded, because of the rush and confusion incident to the situation, that my opportunity had arrived.

I was watching with eagerness the cars as they came from every direction, and particularly the one upon which we were supposed to depart. Waiting patiently for that supreme moment when I could decide that our surroundings had reached the climax of all possible expectation in the way of a crowded condition, ever hoping that the moment might arrive when the congestion of moving humanity would become still more intense—as I stood thus, all hope, all expectancy, I could see our car nearing the corner, with but one in advance. As through providential kindness, it was crowded to the very limit. It would, in common with others, unload its human burden, and the transfer man would again become overwhelmed with business.

Some ruse, some excuse, something, anything—but what? Happy thought! My handkerchief, which was in an inside pocket of my overcoat, was soon in hand, and after apparently mopping my face, I proceeded to replace it, but not, however, from whence it came. The hind pocket of my trousers would prove a better receptacle, so carelessly thrusting the flap of my overcoat to one side, I made a pretense of executing this intention.

The scene changed! The handkerchief fluttered carelessly to the sidewalk, and from the recesses of my pocket came a murderous looking object that must have struck terror in the heart of my captor, if his subsequent conduct is any criterion. In leveling the weapon at his head, I had broken from his grasp, but quick as a flash, and doubtless inspired by fear, as I cannot account for his foolhardiness upon any other hypothesis, Burns pounced upon me in an effort to secure possession of the weapon.

Thereupon I seized him by the shirt collar and held him at arm's length with my left hand, while with the other I still kept him securely covered. Our position at this time enabled me to obtain a glimpse of his supposed assistant, who stood some ten feet away and directly behind him, although making no apparent effort to aid his chief, if such he proved to be. The policeman, whose station was at the intersection of the streets, was some ten or fifteen feet further back, and somewhat to the right, and evidently too deeply engrossed with his duties in caring for the crowd to note what was occurring. As to his knowledge of existing conditions, I cannot speak authoritatively. I do know, however, that he failed to take an active part in the lively scrimmage, or in fact pay any heed to it whatsoever.

Burns continued to struggle desperately with me that he might gain a more advantageous position, hoping, no doubt, to close in on me and secure the weapon; but my hold upon his collar was too firm, and the best he could do was

Fenway branch postoffice building, Boston, Mass., the scene of Puter's spectacular "getaway" from Secret Service Agent Burns to tug frantically at my left arm, which he grasped tightly. Struggling thus, we backed up against the side of the building, and as we contested every inch of ground, I threatened him with certain death unless he released his hold.

"For God's sake, Steve, don't shoot!" he implored.

It must have been that fear got the better of his judgment when he exposed himself thus, as he ought to have realized my desperate position.

Finally, after a herculean effort, I managed to throw him up against the wall with such force that I was enabled to wrench myself loose, and before he could recover, I had separated myself from the redoubtable sleuth by the respectable distance of two or three yards.

Realizing that "Richard is himself again," and fearing that he might make another attempt to lay hands on me, I advanced towards him resolutely, with revolver pointed directly at his head, and a look of fixed determination in my face, and told him that I would kill him dead on the spot if he attempted to pull his gun. "Damn you, go!" I demanded, menacingly.

At this, and with the evident thought that I intended to carry out my threat, the great detective turned tail and ran in the direction of the postoffice corner, where he found shelter behind a friendly pillar.

Wheeling around on the sidewalk, with revolver still in hand, I covered the man whom I had all along suspected was Burns' assistant, and ordered him to decamp. He lost no time in doing so, but I have since come to the conclusion that I was mistaken as to his identity, and that he had merely become attracted to the scene out of idle curiosity.

A number of women had flocked out of the postoffice building while the struggle between Burns and myself was at its height, and were gathered in terror along the sidewalk. Pointing my revolver in their direction, I ordered them to proceed in advance of me, as I knew that Burns would not dare to shoot while I was thus protected. Using them thus as a shield to cover my retreat to the corner below, and perceiving that Burns had not emerged from his position, I thanked the ladies profusely for their kindness in thus aiding me, informing them at the same time that they had probably saved my life, and after tipping my hat to them in the most courteous manner possible, I hiked down a narrow side street at breakneck speed.

Proceeding thus about half a block, I turned suddenly into an alleyway which extended to the left a distance of several blocks. I had continued my flight down this alley but fifty or sixty yards when I discovered that I was completey winded, and on the point of collapse; so seeing a door open in what proved to be the common basement for a series of large flats, I dodged in, hoping to gain an exit to the street in front.

Upon entering the basement and making an investigation, I found that I was in a trap, as the street in front of the buildings was much higher in elevation than the alley from whence I had just come, and as a consequence, there was no means of egress in that direction. Returning towards the entrance, I discerned, by the aid of a subdued gaslight, that a stairway led from the basement to the flats above, but not having any idea then as to where it might lead, I though to avoid it and take chances in the alleyway, hoping to smuggle myself in the crowd by some process and escape detection.

When I reached the door again, I hesitated long enough to obtain a breath of fresh air, but did not linger, as the clamor of voices, accompanied by the sound of approaching footsteps, aroused my mind and body to quick action. They were now at the very entrance itself, eager as a pack of wolves to devour their prey, but bellowed on, the one evidently intent on outdoing the other in the chase. A few of the older and wiser dogs remained behind to probe the surroundings, yet not daring to venture into the confines of my den. It was not long before the alley was fairly alive with baying humanity, yelping about in wild confusion.

My thoughts at this time can better be imagined than described. Here I was, having escaped my captor, yet in a worse predicament, if anything, than before. With one man, or even two, I stood some show of escape, but against such an array as was now at my heels, it seemed like a vain thought that I could prolong the chase, and I was quick to comprehend that my only show of getting out of the dilemma was by process of some clever ruse. While thus engaged in a sort of lightning-like calculation, I heard some one exclaim to his fellows:

"I followed him closely from the corner, boys, and when I reached the alley, he had disappeared completely. He never, in my opinion, passed this door," and with that he approached the entrance with the remark, "Some of you stand outside here and guard the door, while the rest of us will explore the basement."

At this I turned my attention to the gaslight, which I reached without attraction, and after turning it down until it was almost extinguished, giving barely sufficient glimmer to permit my return, I started for the stairway to which reference was made when I first entered the basement, and had hardly reached it when the basement door was pushed cautiously aside and two men entered, passing within three feet of where I was concealed behind a post.

Perceiving that they were making for the gas jet, I glided noiselessly up the stairway, and opening its door, stepped out cautiously onto a porch a few feet above the basement, belonging to the lower flat of the building. Fortunately for me, the porch was surrounded with some lattice work, which enabled me to observe the movements of those in the alleyway below without exposing myself to view in any manner.

Trying the kitchen door of this flat, I discovered that it was locked and receiving no response from the inside, proceeded to ascend the stairs to the flat above. In this effort, however, I was not so successful in concealing my presence, as I had the misfortune to make a slight noise, which brought from the man underneath the porch, who was guarding the basement door, the inquiry:

"Who goes there?"

"Fisher!" was my assuring answer.

"What Fisher?" he asked.

"Why, it's Jack," I responded, as I ascended the stairway two steps at a time to the flat above. It was my turn to play interrogator now, so I asked:

"Who are you, and what are you doing down there?"

The reply, if any, was lost to my ears, as I had now reached the porch of the second flat and had more important business on hand.

Repeating the performance of trying the kitchen door, and again receiving no response to my knock, I continued to the last flat above, fully determined to break in the door if I met with no better success, as it was impossible for me to turn back with any degree of safety.

As I neared the head of the stairs, my heart bounded with joy as I noticed a stream of light pouring through the window, and while waiting an answer to my summons for admission, its rays were to me as a beacon to some storm-tossed mariner.

In response to my loud knock, a female voice inside timidly inquired:

"Who is there?"

"It's me," I answered.

"Who?"

"Just me—open the door!" and with that I could hear the key grating in the lock and the door swung open. I was on the inside in a second, and closing the door behind me, and bolting and locking it securely, I took a survey of the surroundings.

Seated at a table in his shirt sleeves, reading the evening paper, was a middle-aged man, while his good wife had evidently been preparing their supper. Both looked pictures of despair, evidently mistaking me for a burglar. As soon as he could recover his presence of mind, the man in faltering tones inquired my business.

"No business," I replied; "just show me the front door that I may get out on the street!"

"You will get out of here by the same route you came!" responded the man, advancing threateningly towards me with uplifted chair.

As may be imagined, I had no time to waste in discussing the situation, so, drawing my revolver and leveling it full at his head, I demanded in the fiercest tones at my command:

"You open that front door, and be d—d quick about it!"

The effect was instantaneous. The poor fellow turned as white as a ghost, and imploringly told his wife to let me out. He was too far gone himself to do so, and it was amusing to watch the antics of the couple after that. Compared with my experience of a short time previously, when I had engaged in combat with one of the shrewdest men in the Government secret service, this was like taking candy from a baby.

The badly-frightened woman hastily picked up the lamp and waddled in the direction of the front part of the house, at the same time entreating me to spare her husband. I had no thought of harming them, merely wishing to get away with as little delay as possible, but the episode indicates the remarkable ease with which a well-armed person could invade any peaceful household and ransack the premises without the slightest danger.

The woman led me to the front door, and pointing out in the darkness said: "There, sir, is the stairway. You will find the door leading to the street just three flights below."

Bidding her good night, and with many thanks for her kindness, I made my way downstairs, and was soon on the street.

Not a soul was in sight, so I meandered leisurely along for a block or so, when I saw a carriage coming in my direction. Luck seemed to have favored me on all occasions in this transaction, and the appearance of the cab at such an opportune moment was a fitting climax to my successful getaway from Burns.

Hailing the driver, I instructed him to take me to the Thorndyke Hotel, some twenty-five or thirty blocks away, as quickly as possible. After discharging the cabby, I waited in front of the hostelry as if about to enter, until the sound of the rattling wheels had disappeared in the distance.

At this point, I felt perfectly safe, and had no further thought of being captured, so deciding to return to my room, I took a circuitous route by streetcar until I came to a drug store, which was about fifteen blocks from my room. Here I alighted again and entering, 'phoned to the landlady of my boarding house and asked if anyone had inquired for me. Receiving an answer in the negative I informed her that I probably would not be home for dinner that evening. To this she remonstrated, stating that she had kept the meal in the warming oven and that, if I could come within a reasonable time, it would still be ready for me. Not caring to state definitely when I would return, I hung up the receiver and walked out. I was now in a directly opposite direction, the Fenway postoffice being in almost a straight line between the Thorndyke Hotel and my present location, so I decided to walk to my room. Before starting, however, I concluded to eat in a nearby restaurant, where I could have time to collect my thoughts and determine on a plan for future action.

As I had asked Burns, before leaving the private office, to accompany me to the room where I might get my clothing preparatory to making the trip to Oregon, and stated to him that it was but a short distance away, it was but natural that he would institute an immediate search to locate my headquarters. As I had gone down the alley, after my escape, in an opposite direction from my apartments, and had disappeared in the neighborhood of a long row of flats, it was but reasonable to suppose that he would attempt to find me in that locality, and as my grip contained a number of valuable papers and other documents of importance, I must, at whatever risk, secure it if possible. Judging from the information received over the 'phone from my landlady, it was evident that Burns had not been there, but knowing the man as I did, it was only a matter of time when he would ferret out my lodgings and it was incumbent on me to beat him there.

Female homesteaders arrayed in typical mountaineer costumes, taking their ease after their labors
on a heavily timbered claim in Lane County, Oregon

Dinner ordered, I passed the time in reading the paper when I was not otherwise occupied with my thoughts, and when it was served, I partook heartily, not knowing but this might be my last square meal for many hours to come.

Leaving the restaurant, I walked directly toward my lodging house and when I came within two blocks of the place, fearing that some one might be on the main thoroughfare, I decided to enter by the back way, so took down an alley.

Reaching the house, I walked up the back stairs and knocking at the kitchen door, was admitted by the landlady herself, when I remarked in a jocular way:

"Well, I'm here—have you kept my dinner waiting?"

"Yes," she replied, "but how came you in this way?"

"Oh," said I, "just thought I wouldn't put you to the trouble of setting the table for me again. This, you know, is the first time I have ever been late, so will dine in the kitchen."

As the lady turned to prepare the meal, her actions having denoted that everything was all right, I told her not to mind, that I had already eaten, but thanked her just the same.

I then asked her if she had heard anything unusual, to which she replied that she had not.

"Very well, then, come to my room," said I, "I have something important that I wish to say to you."

As I had boarded at her house for about three months and had frequently talked with her, she impressed me as a person in whom I could confide with safety, so I decided to tell her the whole story, as I knew to a certainty that Burns would find my room sooner or later, and I thought, because of the friendly manner in which she had always treated me, it would be best to make arrangements in regard to my belongings prior to his coming.

Upon entering the room, I recited in detail all that had occurred, explaining at the same time that my name was S. A. D. Puter, and not J. H. Brownell, as she had supposed. I told her of my connection with timber land operations on the Pacific Coast and that this present trouble, while not of a serious nature, was the result of those operations.

After assuring the lady that I was in no wise involved in any criminal transaction, she expressed a willingness to assist me in any way possible and asked what she could do for me.

I requested her to telephone to a very intimate friend of mine and to request him to come to her house, cautioning her, at the same time, not to mention the nature of the business, as I did not wish her to speak of that over the 'phone.

When he came, a few minutes later, I explained the entire situation to him also, and solicited his assistance in the matter of making good my escape from the city. My friend seemed to think that I had been wonderfully successful up to that time and that the worst was over, but when I explained the character of the man with whom I had to deal and advised him of Burns' reputation, which was based on his past acts of fearless daring, where men of known ability only were employed and in which he had always come out successful, my friend was not quite so sanguine that I was yet out of the woods.

I also assured him of Burns' ability to summon every man in the service, if need be, to assist him, in addition to which, he could command the support of the entire police and detective force of Boston, and it was my opinion that at this very moment every avenue of escape from the city was being closely guarded.

After discussing the situation thoroughly, my friend suggested that early on the following morning I accompany him to his brother's farm, about forty-five miles distant. This I decided to do, so immediately busied myself in packing my clothing, which I placed in my trunk, while in my grip, I deposited all papers and documents of value, together with some few articles of clothing that I might want for immediate use.

It was then agreed between us that my trunk should remain there, my landlady to store it under the stairway, and when Burns called, as I knew he would, she was to admit that a certain gentleman named Brownell had been stopping there, but that he had paid his bill and left that morning.

Having made all arrangements, I then handed my landlady written authority to call on a certain firm in the city where I had been doing business and collect a balance due me, after which I retired for the night.

I was awakened at four o'clock on the following morning, and a few minutes later my friend came in his buggy and we were off. Arriving at the farm, I was introduced as Mr. Fleetwood, of Chicago, and in explanation of our unexpected visit, my friend informed his brother that I was in Boston on important business, and as I was an old friend of his and desired a little recreation, he thought I would enjoy a few days outing in the country. He told him at the same time to give me the best of everything to make me comfortable.

This farm life, which brought to mind the fond recollections of childhood days, was entirely to my liking and I made myself at home without much ado. At "milkin' time," I was always on hand, and while it is true that I took an active part in the operation, it is no less a fact that the consumption was greater than the production, so far as I was personally concerned.

We received the Boston papers daily, by rural delivery service, and I spent some little time in perusing the acccounts of my escapade with brother Burns, as did also my host and the men about the farm, all of whom expressed a desire to meet the "nervy Westerner," as they put it, little thinking that "Brownell" himself was in their very midst.

On the morning of the third day, about nine o'clock, my friend, who had returned to the city after introducing me to his brother, came back to see how I was getting along, and incidentally to let me know how matters stood at the Hub. When he arrived, I noted immediately that his face bore a troubled look, and it was with much impatience that I awaited the opportunity for talking with him privately.

Seeking a secluded spot, he informed me that, sure enough, Burns had located my boarding house on the morning of the second day, and that he succeeded in getting my trunk, but that the landlady still had possession of my grip, which I had intended bringing with me, but which I had overlooked in my haste to leave the city. She also still held my check for $1022, which had been handed her as the balance due me by the firm with whom I transacted business in Boston.

My friend went on to inform me that the landlady had wilted under Burns' indomitable manner of persistent inquiry, and had given up the trunk, thinking that by doing so, he would not press her for further information. The landlady, so my friend said, expressed deep sorrow and regret because of what she had done, but stated that it was beyond her power to withstand Mr. Burns' inquisition, and as she thought I valued my grip more highly than the trunk, on account of the papers which it contained, she deemed it best to throw Burns off the scent in that way and relieve the agony.

Having listened to his story, I insisted on my friend returning to the city immediately and to exert every effort to obtain possession of my grip and the check.

"If you think," said I, "that Burns will stop short of getting everything, now that he has made this start, you are certainly mistaken in the man, and if my grip and check are permitted to remain there longer, they too will fall into his possession."

I explained to him that there was but one person, to my knowledge, who had ever succeeded in outdoing the wily detective in his effort to secure an unwilling confession, and that that person was none other than the well known Marie Ware of Oregon.

I also cautioned my friend as to the necessity of being very careful on his own account, as Burns would endeavor to connect my friends with my escape, and would be sure to prosecute anyone whom he suspected had aided me.

As he made ready to take his departure, I informed him that I, too, would probably return to Boston that evening, and in event of my doing so, would call him up over the 'phone on the following day.

He had been gone but a short time when I fully decided to follow him to the city, so bidding my host good bye, and assuring him of my sincere appreciation of the favors shown me, I departed in his buggy for the station, being driven by one of the farm hands, and when we arrived there, I caught an electric car for town.

Upon reaching the suburbs of Boston, I remained there until nightfall, amusing myself in an effort to bargain for a grocery store that I had no notion of buying, and for which the owner wanted fully double its real value. My efforts to purchase the meat market next door met with the same success, so I gave it up as a bad job, and hunted up a restaurant where I had something to eat. As soon as it was sufficiently dark, I boarded a car and headed for the city.

Arriving there, my first move was to engage a room, which I secured within three blocks of the place where I formerly resided. This was about eight o'clock in the evening, and as I had nothing else to do, I took a streetcar for what is known as the "down town district," and some distance away from where I knew that Burns would be likely to stop. Here I attended one of the vaudeville theaters, where I spent a couple of hours, after which I repaired to a restaurant and enjoyed another good meal. I then returned to my room and retired for the night.

Morning found me up bright and early, and as I could not hope to communicate with my friend at that hour, I took a car ride to the outskirts of the city, some thirty-five or forty blocks away from the Fenway postoffice, or business portion of the city, where after breakfast, I called my friend up over the 'phone, informing him of my presence and asking him to meet me at a certain time in a given place. I did not, however, mention my name, as we had previously agreed between us that in making use of the telephone, I was to represent myself as a physician and would introduce the conversation by inquiring about a patient.

When I met my friend, he had much news of importance to relate, but in order to ease my mind as to the safety of my grip and check, he commenced by telling me that my landlady still held them in her possession and he thought it best that they remain there for the time being, as both had been secreted away in a safe place, and, as the premises were being watched by detectives, any attempt to remove the grip, or anything of that description, would surely result in disaster. My friend assured me further that the landlady had fully recovered her composure and would not be likely to divulge any additional information to Burns, and by way of encouragement added that Burns, too, seemed to have eased up on her and was nothing like so severe as in the beginning. He had, however, made several visits to the boarding house since taking the trunk away, but was more modest in his manner and line of inquiry than at first.

After discussing the situation with my friend, we concluded that it would be unwise for him to attempt to remove my grip, or even to hold frequent conversations with me, as he had been seen to enter and emerge from the boarding house quite frequently, and it was more than likely that suspicion had already been directed toward him. We decided, therefore, that the next best move would be to employ an attorney and to advise with him as to the most feasible method of securing my belongings.

The last "line-up"—This remarkable picture, taken at roll-call, on Saturday afternoon, October 26, 1907, by Mrs. J. N. Watson wife of the Register of the United States Land Office at Lakeview, Oregon, is a faithful representation of the rush to secure claims whenever a large body of Government land is thrown open to public entry, and marks the last event of its kind of any moment, that will probably ever occur in Oregon. About 40,000 acres that had been segregated from a forest reserve in the Lakeview Land District were restored to settlement Sept. 27, 1907, and opened to entry on the 27th of the following month. Three weeks before the opening applicants commenced to line up at the local land office, and the number increased daily until the opening day, when 224 were in line

Chapter XVII

The King of the Oregon Land Fraud Ring encounters a Boston lawyer, who furnishes him some valuable up-to-date ideas on the subject of "cultured" looting—Holds Puter up to the tune of $322 for collecting a $1022 check—Describes his interesting experiences as a fugitive from justice and the clever methods adopted to evade the Government sleuths.

BEING acquainted with a number of lawyers in the city, I had my friend consult a member of one of the prominent firms, with whom he made an appointment for me to see him at his residence that evening at eight o'clock. Upon making known my identity, the gentleman invited me in, and we retired to his library, where I related the circumstances of my arrest and escape from Detective Burns and of my desire to secure a certain grip, which I had left at my former boarding house, together with a check for $1,022.

The attorney expressed the opinion that he could secure both grip and check for me without difficulty, so I gave him a written order on the landlady for them, and made an appointment with him to meet me on the following afternoon at a certain point in the city to which he was to come by street car and arrive at exactly two o'clock.

From my attorney's residence, I returned directly to my room, and retired for the night, and on the following morning, having decided to change my headquarters, I settled my bill and vacated.

Taking a street car, I went to South Boston, where I had breakfast and spent the forenoon about the steamer docks and lumber yards in that vicinity. After luncheon I engaged a horse from a liveryman whose acquaintance I had made earlier in the day, who furnished me with the best animal in the stable and one that he was accustomed to driving personally.

On my way to the point where I was to meet my attorney, I was particular to observe the surrounding streets and to make a note of those I might select in event of my being discovered and being forced to make a hasty retreat. I always had in mind that my identity might become known at any moment and I was cautious to be prepared for any emergency. I was commencing to feel, now that the exciting incidents of the past few days had left me yet free to my own sweet will, that I had taken some desperate and wholly uncalled for chances, and that in future it would stand me in hand to use a little more discretion regarding my conduct.

Upon arriving at my destination, I drove about for several minutes, as I was somewhat ahead of time, and as each car in turn made its appearance, I managed to be about two or three blocks away and at a point where I could observe if my attorney alighted, and at the same time note if anyone else got off, or was in a position to watch his movements or see what was taking place. When my attorney came, I drove rapidly toward him, and taking him in the buggy, we hurried away.

In response to my inquiry as to what success he had met with, he stated that he had secured the check, but that, being informed by the landlady that her house was being watched, he did not venture to remove the grip. He suggested that I give him the keys to the latter, so that he might secure such articles as I desired, which he said he would bring to me in his pocket. I demurred to this, as I did not care to have anyone handle my private papers and suggested in reply, that he call on my landlady again that evening, after dark, when he could wrap the grip, which was not large, with a number of newspapers, giving it the appearance of a bundle of some sort. He agreed to do this, so I indorsed the check which he produced from his pocket, and as we had now driven to a point on the main line of the Boston-Worcester street car, which was surrounded by some timber and thick underbrush, I suggested that he meet me here that same evening at 9:30, when I would receive my grip and the money and settle with him for his trouble.

I selected this point for the reason that it was sparsely settled, and had more or less timber and brush which would enable me to escape in event of his being followed by detectives. There was a gulch on one side which would afford me an excellent hiding place, and as this particular side was more thickly timbered than the other, I had no fear of being captured, even if my rendezvous became known.

As the car approached in the distance, my attorney alighted, and I drove back to South Boston and when within three or four blocks of the livery stable, I engaged a man on the street to return my rig to the barn, handing him half a dollar, and offering as an excuse that I had a pressing engagement and must wait at this point for a gentleman that I was expecting at any moment.

I took this precaution for the reason that, as stated before, I had decided to take no further chances, and as I may have been observed by some one who recognized me as the much wanted Mr. "Brownell" and who also identified the rig as one belonging to a certain liveryman, I did not propose to walk into a trap.

After waiting long enough to note that the rig had been safely returned, I departed immediately for Cambridge, which I reached in a roundabout way and where I engaged a room for the night. After dinner, I walked in the direction of the point where I was to meet my attorney, thinking to get a little exercise and to pass the time away. Arriving there, I made a survey of the district and examined the timber and underbrush through which I might be called upon to make good my escape, and as I had spent the greater portion of my life in the woods and timber, was very much at home and experienced little difficulty in determining upon several routes, through any one of which I could make my way, as necessity might require.

As it lacked but a few minutes of the time when my attorney should arrive, and a car was already in sight, I secreted myself where I could have a full view of the street where he would alight, but as the car did not stop, I drew a little closer to observe the faces of the passengers as it went by, and noticed that only a few ladies occupied the seats. I must now wait for another car, which would arrive fifteen minutes later. In the meantime, I trailed two men who appeared on the scene for a distance of some five or six hundred yards, when I became sitisfied that their errand did not concern me.

My attorney arrived on the next car, and after walking to a secluded pathway in the timber, he informed me that he presented the check, but the bank refused payment on the ground that I was a fugitive from justice and that, before they could turn over the money, he must receive from me a power of attorney, duly signed and attested, when he might have the cash. As to the grip, he called at the boarding house as agreed, but having noticed two men standing close by, one of whom he recognized as the same he had observed on a previous visit, he did not think it advisable to venture from the house, even with a newspaper bundle in his arms.

As he did not have a power of attorney blank with him, we could do nothing further that night, so I promised to 'phone the next day, when the matter could be arranged. I did not return to the city with him, preferring that he go his way alone and when his car was out of sight, I went to my room in Cambridge, where I remained until noon the next day, venturing out only to eat breakfast and purchase a daily paper.

After luncheon I went to the nearest telephone booth and called my attorney up, and in reply to my inquiry if there were any new developments, he asked me to hold the 'phone for about twenty minutes when he would inform me as to how matters stood. To "hold the 'phone twenty minutes" seemed to me as a rather unusual request. Indeed, from the time of our meeting on the night before, I had my suspicions that all was not just right, so I decided to change base on the 'phone proposition, and taking a street car, I rode about two miles and 'phoned him from another place, this time to learn that it would be necessary for me to meet him again and execute a power of attorney. He asked me to designate a place of meeting, in reply to which I told him to meet me at the same time and place as previously.

Returning to my room, I remained there until dusk, and after dinner went to a riding academy and engaged a saddle horse for the evening. I felt that I must vary my custom on every occasion as near as possible, and as I wanted to make doubly sure of my attorney's actions on this particular evening, I decided to meet the car on which I expected him to come and return with it to the chosen rendezvous.

About 8:45 p. m., I rode on the car track toward the city for a distance of perhaps two miles, and returned with the car until I discovered my attorney was not among the passengers. I did not, however, venture close enough to be recognized. I then wheeled about and went back toward the city, and when the second car hove in sight, I adopted the same tactics, locating my man shortly after meeting with the car. When he got off, I made a short circuit, and after tying my pony in the brush, emerged to meet the gentleman, but said nothing about the animal.

My attorney produced the blank power of attorney, which he had previously filled in, and after he had read its contents to me and I had examined it, I attached my signature thereto. He then informed me that he would have the notary in his office acknowledge my signature, which he would also attest as a subscribing witness.

There being no further business to transact on this occasion, he went back to the city on the next car and I returned the horse to the riding academy, after which I took the street car for Chelsea, another suburb of Boston, some eight miles from the city and in another direction. Here I engaged a room and remained for the night.

After breakfast on the following morning, I went into Boston by way of Charleston and Cambridge, and as I expected to do considerable telephoning, I engaged a horse and buggy for the day, but not, however, at the same livery stable where I hired a rig on a previous occasion.

At 10:30 that morning, I talked with my attorney over the 'phone and as before he requested me to hold the 'phone for some fifteen or twenty minutes. I could not understand this "hold the 'phone" business, and as I was determined not to get caught in a telephone booth, or even to remain at any particular place to exceed two or three minutes, I unhitched my horse and drove off a few miles before calling up again.

I might state here that Boston has the best public telephone service I have ever seen. There is hardly a store of any importance in the city but what is provided with a public telephone, and in every instance, they are inclosed in a booth, where one is enabled to secure privacy. Upon my calling him up again, my attorney informed me that he was experiencing some difficulty in the matter of getting the check cashed, as the bank officials expressed a desire to confer with the firm having drawn the check, before they would pay it.

I instructed him to stay with it and do the very best possible to secure the money, and further to get my grip at whatever cost. I left it to him as to what method he would adopt, but said I must get that grip away from there and at once. I agreed to call him up again at 2 o'clock.

Driving through the parks and to points of interest, I managed to pass the time away until 12:30, when I put my horse up at a stable in the suburbs, and while he was being fed and watered, I ate luncheon and prepared for another start.

Trading Station on Pelly River, a branch of the Yukon in the British possessions

Promptly at 2 o'clock I called up my attorney again. This time one of his clerks answered, stating that the gentleman was engaged, but to "hold the 'phone" and he would be through in about fifteen minutes. Needless to say that I didn't "hold." This holding business was getting monotonous, and without caring whether or not he thought that I would do as requested, I hung up the receiver and drove away.

Fifteen minutes having elapsed, and being close to two miles away from the last station, I hitched my horse and called up again. This time I got my party, and he started in by claiming that he had called on the landlady again, but that she had remonstrated against any attempt to remove the grip, declaring that detectives were watching the house day and night. My attorney was of the same opinion and did not care to risk bringing it away personally, nor would he permit one of his assistants to do so. As to the check, the bank people had not yet arrived at a decision, he said, but would probably know within an hour what they would do. My attorney then asked me where I was telephoning from, and I told him South Boston, which was the truth.

He then said to "remain there" and to call up again later. After assuring him that I would do so, I hung up the receiver and was off for another drive.

This time I did not pull up until I was a good six miles and in a direction where I believed one would be least expected to go. I then called up again and it was the same old story—the bank people asked for additional time, he said. Cutting the conversation short, I hung up the receiver, as I, too, wanted additional time that I might gather my wits together and decide on something more definite.

Things did not look just right to me, nor had they for some time past, and I concluded that I could well afford to hold counsel with myself before proceeding much further.

The actions of my attorney for the past few days were not at all to my liking, and while I did not care to believe that he was "standing in" with my pursuers, or that he was doing anything that would not eventually work to my interests and serve the ends for which I sought, at the same time, he had dilly-dallied along for such a length of time without accomplishing anything that I could not understand the proceedings. My check, which was properly indorsed, should be accepted by any bank in the city from one so prominent as he, more especially as it was a local firm drawing the check, who would verify its genuineness. Therefore, with the additional indorsement of my attorney's signature, the bank had no grounds for refusing to honor and cash it when presented.

After thinking matters over very carefully, I 'phoned to my attorney again and informed him that I had concluded to let matters drop for awhile and not to bother further and that I would call him up again within the next few days.

Driving back to the livery stable, or to within a few blocks of it, I waited my opportunity and when a man of apparent respectability came along, I induced him to return the rig, paying him, as I had done on the other occasion, and making a similar excuse. I had been fortunate in securing fine animals to drive and wished to insure their safe return, though I did not care to risk it personally.

Upon seeing the man drive my rig into the barn, I walked around a spell, and later in the evening, went into Boston proper, where I ordered supper in a down town restaurant. One might think that this was a hazardous action on my part, but not so much so as might appear on the surface. In the first place, it must be borne in mind that while I was being looked for, it was not on the streets of the down town districts of the very city in which I had made my sensational escape. No one would dream of my venturing so close in, nor would the city police, who were bent on my capture, think it worth while to scrutinize a passing stranger. In the outskirts of the city, where suburban officers have little else to do, I was sure to be kept in mind, but as I was always on the alert, I cared not for them. If detected in the heart of the city, I believed, at that, I had an even chance, so long as I confined my visits to the evening hours.

In the restaurant where I ate there were probably a hundred people, and although I kept a sharp lookout, I did not see or meet with anyone that I knew. The nearest I came to being detected, so far as I know, was this same evening and immediately after supper, when I stepped into a drug store to make a small purchase and was standing at the counter when an officer with whom I was well acquainted walked into the place and engaged a clerk in conversation.

I had been watching the door and was prepared for an emergency, but not caring to court trouble, I placed myself in a position where I could watch his actions through a small mirror, without giving him an opportunity to discern my features. A moment later, when he left the store, I took my departure.

Shortly thereafter, I took a street car for Worcester, some sixty miles from Boston, arriving there about eleven o'clock and engaging a room for the night. Here I remained two days, spending the morning hours in reading the newspapers, while my afternoons were occupied between the library and one of the billiard halls. On the evening of the second day after my arrival, I took the last car for Boston, arriving there about 1 o'clock a. m. I engaged a room in one of the down town lodging houses, where I remained until 7 o'clock the next morning.

After breakfast, I went to Charleston on the street car and engaged another rig for the day. Driving out to the suburbs, I 'phoned to my attorney and asked him if he had anything new to report. He seemed much surprised to hear of me again and inquired where I had been keeping myself, to which I replied that I had not left the city. He informed me of having made some effort to convert my paper into cash and that he desired to talk to me personally. Not being prepared to name a place of meeting, I told him I would call up later and make an appointment.

I then drove about in quest of a rendezvous and finally located one that I believed would furnish me with ample security, so I 'phoned him about 4 o'clock in the afternoon, and advised him where I might be found. It was agreed that he would be there at exactly 10 o'clock that night, so I retained possession of the buggy, as I thought to drive him away immediately upon his putting in an appearance. The place selected for this meeting was at a point in the center of four vacant blocks, with streets running each way; the surrounding blocks being sparsely settled.

Promptly at 10 o'clock, my attorney put in an appearance, but as I was then several blocks away, I did not recognize him at first. As he walked up and down the street, however, I discovered that it was my man, and drove up to where he stopped. Taking him into the buggy, we took our departure for a still more sparsely settled district.

My attorney was very nervous on this occasion and kept looking over his shoulder as if expecting to be pounced on at any moment and cautioned me all the while to be careful. I assured him that there was no danger and devoted some little time in an effort to brace him up. When he recovered his composure somewhat, he wanted to know what I would do in event of being stopped by a policeman.

"Policeman?" said I, derisively, "why, I'd eat him up!"

"But what if several of them should appear together and summon you to halt?" he inquired.

"Eat them up, too," I answered.

I suspected at this very moment that I was being quizzed for a purpose, and did not propose to have this man report, if that was really his object, that I would be an easy mark, and that all they need to do was to come after me. I would at least have the satisfaction of putting fear into the hearts of some few of my pursuers, 'ere they had ventured to make chase, and would have them think, at least, that more or less blood would be shed before I was made to bite the dust.

"Would you really shoot to kill?" he asked me.

"Never shoot any other way," I answered, growing enthusiastic on the subject; "and what is more, I rather enjoy the sport. I go armed for that purpose and carry a regular arsenal with me all the time. Do you know," said I, "that it would take a small army to capture me at the present time?"

"You Western fellows are built differently from any men I have ever met before," ventured my attorney, nervously, and continuing he remarked: "You are all so dead in earnest that an ordinary man would stand no show against one of you."

I was half inclined to feel a bit swelled up as a result of this remark, as I could see that my man of law was sincerely in earnest himself and believed that what he was saying was true.

"How about my grip and the money?" I inquired.

"Haven't been able to do a thing," he said, "but came here tonight to warn you that the town is full of secret service men, and as it is reported you are still in the city, they are determined to land you, dead or alive."

"Do you know this to be true?" I asked.

"Yes, sir, I have it from a most reliable source and not only are they looking for you, but have been trailing me also. They know that I have visited your former boarding house a number of times, and they have been watching me for several days past from the time that I leave home in the morning until I return in the evening. Even tonight, I had difficulty in eluding their vigilance, but managed to shake off a fellow after he had followed for several blocks.

"Even the telephone service, I am told, has been turned over to Burns' men, and I got this, too, from an authentic source. The bank, for some reason, refuses to cash the check, for the present, but I still hope to get the money for you. As for the grip, I cannot make up my mind to risk the attempt. It might work, but what if I should be intercepted and it was taken away from me?"

"As to the money," said I, "I am in no hurry to get it, but I must, in some way, secure the grip."

"I believe," said he, "if you can get along without it for awhile, it would be much better to leave it where it is, as Burns has evidently made up his mind that there is nothing more of your belongings in that house, for if the detectives thought differently they would surely make a further investigation. Burns' men are guarding the house, but evidently for the purpose of catching you, should you attempt to return."

The talk that my attorney put up on this occasion convinced me that he was not standing in with the detectives, but I could not satisfy myself that he had used his best efforts in my behalf in the matter of securing the money. However, I told him that I expected to leave the city on the evening following and would go to Portland, Maine, for a month or so until matters would cool down. He thought this a good plan and suggested that I correspond with him, which I promised to do. Returning him to the car line, I bade him goodby for the present and drove away.

After driving some distance, I met a workman carrying a dinner pail and some tools, and bargained with him to return the team to the livery, some four miles distant, which he agreed to do for a dollar. He looked like an honest fellow and I thought it safe to take the chance, besides, I had determined, instead of leaving on "the evening following" and going to "Portland, Maine," to go on to New York City; so taking the street car to Worcester, I caught the 1 o'clock train that night and arrived in New York the next morning.

Engaging a room at the Cadillac, 43d and Broadway, I remained at this hotel for three days and went about my business throughout the city as though nothing unusual had happened. I did not disguise myself in any manner, as I did not deem it necessary.

From the hotel, I moved to a private boarding house on West 44th street, where I remained for ten days longer, making my entire stay in New York City just thirteen days altogether.

I put in the time as pleasantly as possible under the circumstances, though I cannot say that I enjoyed my visit, as the loss of my grip was continually preying on my mind, and I felt ill at ease because of the uncertainty of being able to recover it.

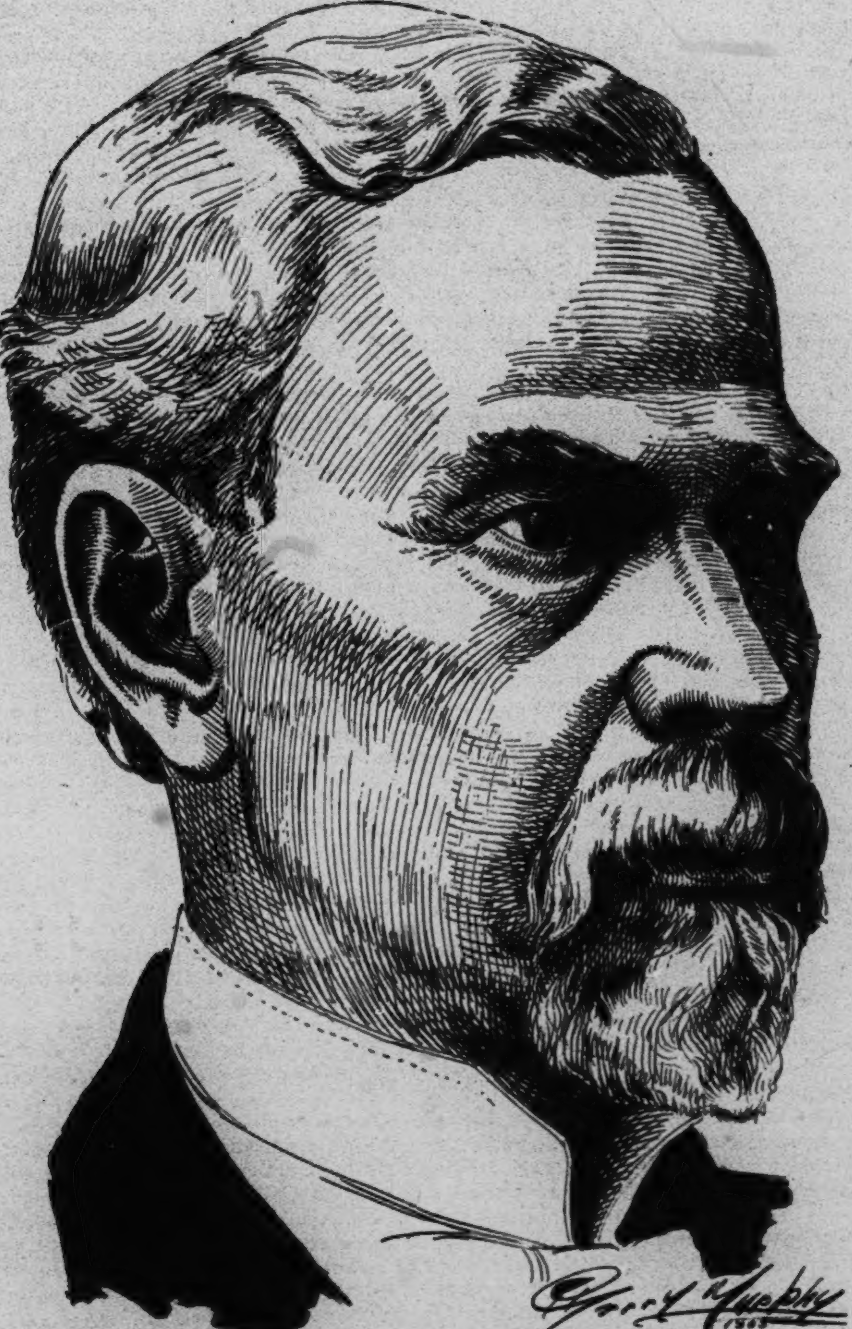
I did not abandon hope, however, and being determined on making another try, I returned to Worcester, from whence I went into Boston, arriving there after an absence of exactly two weeks.

About 9:30 a. m., I 'phoned to my friend (the gentleman who had taken me to his brother's farm on the morning immediately after my escape from Burns), and informed him of my return to the city, referring to myself as the doctor, and taking the precaution, as I had on previous occasions in talking with him over the 'phone, to inquire how my patient was getting along. We arranged for a meeting for 10:30, and at the appointed time, he came to see me.

As I had not talked with him immediately before my departure from Boston, I made him acquainted with what took place at that time; how my attorney had failed in his efforts to secure the grip and that the money also was being withheld by the bank. I likewise informed him of my visit to New York City and described how I had led my attorney to believe that I had gone to Portland, Maine, and of having told him that I would leave at a certain time, but took my departure just one day earlier than that stated.

Asking my friend as to the prospects of securing my grip at this time, he said that he had not been to the boarding house since, having acted under my suggestion that he keep away and give the detectives an opportunity to become discouraged. He could not say as to whether the place was still being watched, but had been given to understand that the officers were still looking for me.

Being of the opinion that it would be safe, at least, for my friend to call on the landlady, and believing, further, that she would know if the detectives were



United States District Judge Charles E. Wolverton, of Oregon, who, on July 6, 1906 sentenced Puter to two years in the Multnomah County jail at Portland and to pay a fine of $7,500, and likewise gave Horace G. McKinley a similar sentence in February, 1908 still hovering about, I requested my friend to go there for the purpose of studying conditions, and if, in her judgment, it would be safe to take the grip away, to 'phone me from her place and that I, in turn, would 'phone to her, giving instructions to turn the grip over to him. She had appeared to act so cautiously and in my interests in the past, during my first trouble with Burns, that I had every confidence in her judgment at this time, and in order to dispel any question which might arise in her mind as to my friend's authority in demanding the grip, I thought it best to speak with her personally, as she would readily recognize my voice over the 'phone.

As it was agreed that my friend would call me up at exactly noon, at a certain drug store in the neighborhood, I was there on time and waited but a few minutes when the bell rang and I was summoned to the 'phone. Upon calling on the landlady, my friend learned that the grip had been taken away some time before by my attorney and that the detectives, while frequently seen about the place, had not been stationed there regularly, as was the case some two weeks before. At least, the landlady was quite sure that her house was not being watched so closely. She expressed great fear, however, as to my safety and requested my friend to caution me, under no consideration, to come to her place. She thought my only hope was to leave the country.

My friend did not 'phone to me from the boarding house, as there was no occasion for doing so, but instead, used another 'phone some few blocks away, where he advised me as to the conditions.

I was delighted to learn that my grip had been secured, and supposed, of course, because of his success along this line, that my money was also in waiting, and that all I need to do was to notify my attorney of my presence in the city and make an appointment to receive my belongings.

After eating lunch and waiting until such time as I thought he would be in his office, I called him up and received the time-honored reply that the one I sought was busy, but to "hold the 'phone about fifteen or twenty minutes," when he would be at leisure and talk with me.

I neither waited, nor did I "hold the 'phone," preferring to improve the time by moving along and taking my chances elsewhere.

Calling up again, I simply advised my attorney that I wished to see him on business and he agreed to come to the place of our last meeting at 10 o'clock that night.

I experienced some little difficulty in securing a good, swift horse for that evening, the first livery man called on refusing to give me what I asked for without my being identified, while at the second livery stable, I could not find anything that I would accept for the occasion. The third place, however, was well equipped with fast horses and light rigs, and the owner of the establishment, less suspicious, so I got exactly what I wanted upon deposit of $3.50, the price named for the hire.

I fully expected to leave the city of Boston that night with all that was mine, except, of course, the trunk which Mr. Burns had confiscated, but I cared nothing for that. It was the grip that I wanted most and as a side issue, the money, of course, would come in handy.

My attorney came at the appointed time and was taken into my buggy and driven away as before at a rapid rate. He brought nothing with him and as I had been advised in advance of existing conditions, I thought to let him tell his story, without intimating any knowledge of what had taken place in my absence.

It was evident he expected me to broach the subject, as we had driven some distance before he said anything about the matter at issue. Other things, of little or no consequence, were spoken of, but no mention was made of the grip or money. After a time, however, he ventured to inform me that he had secured the grip and had placed it in one of the safe deposit vaults of the city for security, but would have me believe that the detectives suspicioned his actions in removing a "package" from the lodging house and were watching the vault.

This story sounded mighty fishy to me, but I refrained from expressing myself. He had the grip, that much I knew, but why he should wish to retain possession of it was more than I could comprehend. Of one thing I was certain, there was something underlying this man's motives for acting as he did, and I would have given a good deal at that moment to have possessed the ability to read his mind. In speaking of the check, he said that he had not called at the bank for several days, but that, upon his last visit, the bank officials were still undecided as to what to do.

Driving along until I came to a secluded spot and where I believed we would meet with no interruption, I pulled up the horse and after bringing him to a full stop, I turned in the buggy, and facing my attorney, gave him such a look as I believed would lend emphasis to my remarks, and after hesitating for a moment, during which time I never changed my expression, I asked:

"How much, sir, do I owe you for your trouble?"

Replying he said, "I dislike to name any price until I have accomplished something more for you."

"I want to know," said I, "just where we stand."

"I think I can do something for you before many days," he answered.

"How soon," I asked.

"Don't like to say definitely," he replied.

"Got to have something definite, and tonight," I told him.

"Well," said he, "I don't like to jump in and make a botch of the job. If I can have a little more time, I believe that everything will come out all right."

"How much will I owe you for your services when you get through with this job?" I asked.

"My charges won't amount to much," he evasively replied, and added, "you know I haven't really done very much."

"Now look here," said I, "I am willing to give you just one more chance —just one and that will end the matter. If you can secure and deliver to me both the grip and money and will do so by tomorrow night, the privilege is yours, but after that time, I must look elsewhere for assistance."

I then informed him that I had a brother in Chicago, an attorney, and that, if he failed to make good within the time specified, I would go on to Chicago and place the matter in my brother's hands.

"My brother in Chicago" was all a myth, but it seemed to have the desired effect, as the attorney assured me it would be useless to go to the expense of having my brother come all the way from Chicago to Boston to look after my affairs, as it would mean a matter of a few days at the very outside and possibly not that long, "Not one day longer than tomorrow," I interrupted.

"Well," said he, "I will do what I can, and if you will call me up late in the afternoon, I will give you the result of my efforts."

I agreed to this, and after returning him to the car line, I drove back to the barn, turning the rig over to the liveryman in person.

Although disappointed and vexed over the way things had turned out, I felt confident that the morrow would bring a change for the better, and that my long-looked-for grip would be forthcoming with the next visit of my attorney. I had given him my ultimatum and he seemed to appreciate the situation before leaving me and was undoubtedly impressed with the fact that I would put up with no further delays.

Returning to my lodgings, I engaged the room for another night, but my sleep was uncertain, and long 'ere dawn I was up and preparing for action.

I could hope for no move until late in the afternoon, so passed the time wearily, as I had grown impatient and could find neither rest nor amusement until matters became more settled, and I could receive some word of encouragement from my attorney. I was tempted at various times during the day to call him up, but managed to hold off until after 3 o'clock, when I hired another rig and looked about for a favorable meeting place.

After finding one, I could hardly wait until I reached the drug store from which I 'phoned him, and when I learned that he had secured the grip and that it was even then at his office, I forgot all about the money, not even thinking to ask if he had cashed the check.

My attorney stated that it would be impossible for him to deliver the grip in person, but that he would send it to me, at any time and place I might designate, by one of his assistants, provided, however, that it was to be delivered after dark.

That was entirely agreeable to me, and as I had previously located a meeting place, I lost no time in naming the hour, which was to be 9 o'clock. I would know the young man, my attorney stated, as he was quite tall and would be carrying my grip, which I would readily recognize.

The end was apparently in sight, and as I was feeling pretty good, I drove to a livery stable and put up the rig, ordering the horse to be well fed and groomed, and stating that I would call in about two hours.

After treating myself to something extra in the way of an unusually elaborate supper, I returned to the stable and found my horse hitched up and waiting. I had plenty of time on my hands, and while I was somewhat impatient for the appointed hour to arrive when I could take over my effects, I was reasonably happy and contented and did not mind the wait.

It might appear to my readers that my action in consenting to meet this young man was rather injudicious on my part, but I did not so consider it, as I figured that no one person could get the drop on me and especially at that hour of the evening. Besides, I always took the precaution to locate my man and the surrounding conditions before exposing myself to view, and it would have been mere folly for even an officer, single handed, to attempt my arrest.

I was also quite sure, because of what had taken place, that no officer would care to undertake the job unless he was backed up by men tried in the service and of known staying qualities. Even at that, it would have required considerable diplomacy on the part of the officers to surround and get the drop on me, and I did not believe such a thing possible, as I was on the alert at all times and on the lookout for just such an attempt being made.

Promptly at 9 o'clock, as I was driving toward the car line, I saw the young man alight from a street car and walk in an opposite direction. It was not long until I had overtaken him, and with lines in one hand and my gun in the other, I brought the horse up short and suggested that he join me in the buggy and be quick about it.

Complying with my request, the young man jumped in, took a seat by my side and we were soon well out in the rural districts.

Nothing had been said about his mission until I stopped to replace the check line, which I noticed was dangling at the horse's head. When I alighted, the young man did likewise, and opened the subject by informing me that the lawyer had authorized him to collect $25 for delivering the grip, and which amount, he explained, was for himself personally.

Upon first entering the buggy, the young man placed the grip in front of him, where it had remained until this time.

Replacing the check line, I was about to enter the buggy, when the young man, taking my watch chain and a number of other articles from his pocket, delivered them to me, with the remark:

"He told me to hand these to you also," and pointing to my grip he added: "He took them out of there, as he thought it would be safer."

"What!" said I, "my grip opened!" I was so vexed and angered to think that, after all this worry, I should actually find my grip unlocked and in all probability ransacked, that I picked it up and threw the whole thing, grip, contents and all, out into the street, and turning to the young fellow, I demanded to know by what right or authority my grip had been opened.

"Don't know a thing about it," he replied.

"Who opened it?" I asked.

"Your attorney, sir," he replied meekly.

"With what?" I demanded.

"With a key," he said.

"Where, might I ask, did he get the key?"

"Bought it, I suppose, or maybe had it made."

"Well, when you see my attorney again, would you do me the kindness to say to him that he is a damned rascal, and further, convey the information that I am responsible for having said so?"

I was about to jump into the buggy and drive off, leaving the grip where it lay, when the young man placed his hand on my shoulder and in gentle remonstrance remarked:

"Don't do this, sir; it may not be as bad as you imagine."

He then picked up the grip and replacing it in the buggy, said:

"You know I had nothing to do with this affair. I have simply acted under instructions and desire to fulfill my obligations to the letter."

He then produced a package from his pocket and handed it to me, stating that it was my money.

I was so mad at the time that I didn't know whether to accept it or not. The money was really of no object to me, as compared to the grip which I wanted to secure, and which I fully expected would be returned to me intact.

It was more through curiosity than anything else that I accepted the tendered package, as I could not resist the temptation to learn what amount had been returned to me, and how much, in the opinion of my learned counsel, he was entitled to as a fee for his trouble.

The very fact of his taking my case at all and in aiding and abetting a fugitive from justice, would, in itself, warrant him in charging a large sum for his services, as the law states specifically that an attorney is not warranted in doing so, and prescribes a severe penalty in such cases. Seldom, indeed, can a reputable attorney be found who will engage in such an undertaking, and when they do, the fee charged is usually a sum worthy of the name.

I had expected in this case to pay my attorney at least $500. Had he charged me $1,000, I should not have complained; but when I opened the package and discovered that it contained $700, and that he had reserved only $322 for his trouble, I concluded immediately that I had been held up from the beginning.

The fact is, this disciple of the law, whom I have since ascertained was a shyster of the first magnitude, knew full well from the start that my check was good and that it would be cashed without question immediately upon presentation. He knew, too, that it was wholly unnecessary for him to secure from me a power of attorney in order to get the money, but he also knew, because of my anxiety, that my grip contained articles of great importance, perhaps a million dollars in gold, or something equally as valuable.

His motive, therefore, in holding the check up, was to allow time to procure the grip, and when he finally secured possession of it, he was up a stump again, not knowing, in the absence of a key, just how to proceed.

When limited to time, he must act without further delay, so he discovered a way of opening my grip, but neglected, in his disappointment to find that it contained papers of value only to myself, together with a few personal trinkets, to lock it again, or, perchance, the key wouldn't work both ways, so he was forced to send it in the condition received.

If that grip had contained anything of real value, my attorney, beyond the question of a doubt, would have demanded a large sum of money before parting with it. As it was, he evidently concluded that the paltry sum of $322 was sufficient for the services rendered, but rather than take any chances in meeting with me, he held out his price, and enlisted the services of his clerk to make the delivery.

After counting the money, I asked the young man if he thought his associate in the dispensary of justice held out enough. He didn't know as to that, and was evidently too badly scared to venture a suggestion.

"Get into the buggy," I said; "I want to talk with you a bit."

"It's rather late and I'd prefer to go home," remarked the young man.

His countenance bespoke the truth of his utterance, and thinking that it would be probably unjust to harass him further, and as he was really not to blame and not the one I wanted to talk to anyway, I allowed that he was right and suggested that home would be the best place for him.

I did not hesitate to discuss matters further, but jumped into the buggy and drove in the direction of the livery stable. Reaching a point within a few blocks from the place, I turned the horse over to a boy to return for me, as I did not care to linger any longer than was absolutely necessary. Noting that the rig was safely delivered, I boarded a street car for Worcester and barely caught the train for New York.

Officers of the Diamond Match Company inspecting the property of the corporation in Butte County, California, preliminary to founding the Town of Stirling

Chapter XVIII

Puter returns to the Pacific Coast for the purpose of throwing himself upon the leniency of Francis J. Heney, and is recaptured by Government Secret Service Agents and local officers after a series of exciting adventures—Gives a vivid account of his arrest and subsequent confinement in various jails, in the course of which he hands the Sheriff of Alameda County some left-handed compliments for his Russianized methods of conducting a prison—Is much shocked to learn that he was betrayed by Allie McKinley, his former partner's cousin—Is transported to Portland, Oregon, where he receives a severe sentence for his misdeeds—Takes up the burdens of life as philosophically as possible in the Multnomah County Jail, and receives a New Year's gift from President Roosevelt in the form of a Pardon.

UPON arriving at the metropolis, I engaged a room with board in a private family on 125th street for a week, during which I made no effort at disguise. As a matter of fact, I visited many public places and points of interest, including the United States Navy Yard at Brooklyn, the opening of the season at Coney Island, besides the billiard tournament then in progress in New York City, various theatres and other places of attraction. I likewise called daily at the Astor House news stand for the Portland Morning Oregonian, so it will be seen that I was indifferent to the question of recapture.

At the expiration of my week with the family on 125th street, I returned to my old quarters on West 44th street, where I remained another week, at the end of which time I resolved to return to the Pacific Coast.

For the past ten days I had been debating in my mind when to go back and see Mr. Heney. It was difficult to determine on the correct course to pursue, as I had no knowledge as to how Mr. Heney would view the situation, or of his probable action in event that I returned and gave myself up. I knew, as a matter of fact, that I was already convicted in the 11-7 case and was out under $4,000 bond, a motion having been filed for a new trial. I also knew that I had been indicted jointly with F. Pierce Mays and others in the 24-1 case, in which I had been placed under an additional sum of $4,000, making $8,000 in all, and that there were still other indictments hanging over me. I had neither thought nor desire to escape these indictments, as I believe, because of having joined forces with the Government officials, and by reason of the valuable services rendered Mr. Heney immediately after my conviction, that I would be shown leniency, as I had been very active in the matter of securing evidence against Senator Mitchell, F. Pierce Mays and others.

At the time of presenting the evidence in question, the public in general, believing that I was actuated by revengful motives, clamored for my scalp and the lie was given in toto to my every declaration. Even Mr. Heney, at first, seemed dubious, but the time soon arrived when all doubt was dispelled, and not only was Mr. Heney convinced, but the public likewise was forced to accept as true every statement made by me relative to the guilt of the defendants.

I had known, from my association with Mr. Heney, that he was one who admired the truth. He insisted on and would have it and nothing short of the whole truth would suffice. This I had given him, varying neither to one side or the other, but keeping ever in the straight and narrow path, and as a reward for the services rendered, I could not but believe that he would deal graciously with me concerning the case in which I was convicted, as well as those under which I had been indicted.

At no time did Mr. Heney or those associated with him in my prosecution, promise me immunity, nor had I discussed the subject with them, or they with me. I had observed, however, that Mr. Heney treated me with every consideration and kindness and that he was disposed to be friendly with me, particularly so after he had made the discovery that I told him the truth and had worked to the end that additional testimony and evidence was adduced in substantiation of my statements.

In reviewing these incidents, I also called to mind having appeared before the U. S. Grand Jury, in the presence of Mr. Heney, at which time I related in detail my connection with the cases under consideration and which, of itself, places me beyond the means of offering a defense, should Mr. Heney feel disposed to push the cases, and if convicted in each one, it would mean a term of years in the penitentiary that would remove all hope of ever being able to meet my obligations, as the interest alone on my accumulated debts would amount to no small item in itself. My family, too, which consisted of a wife and six children, was dependent upon me for support and this fact alone weighed heavily on my mind.

My escape from Burns was the only stumbling block in the way. I knew of course, that he would exert himself to the utmost to influence Mr. Heney against me, for although we had been the best of friends during the land fraud trials in Oregon, while I assisted the prosecution in the collection of evidence against the accused, recent events would unquestionably have changed his feelings toward me, as my escape in Boston was the first time Burns had met with defeat, and to one of his reputation and pride, this incident, which was given widespread publicity, was very humiliating.

I reasoned, however, that it was with Mr. Heney, not Burns, that I had to deal, and that, if I could only convince him of the truth of my position in this matter throughout, I would have nothing to fear.

I resolved, therefore, to return to San Francisco and seek an interview with Mr. Heney, at which time, it was my purpose to lay the whole matter before him and to explain just why I had gone East and what I was doing there when Burns appeared on the scene. I would also explain to him why I determined to escape, the incidents attending my escape, and subsequent events, all of which, I believed, would convince Mr. Heney that I had no intention of leaving the country.

If, after explaining matters, I found that Mr. Heney took a liberal view of the situation, and showed a disposition to receive me into the fold and to accord me the same treatment afforded me before leaving Portland for the East, I would, in that case inform Mr. Heney that I was at his command and request him to state his pleasure. If, however, I found him ill disposed to receive me kindly, or to give my story due consideration, I would, in such an event, tell him that I must take my departure and return from whence I came.

As a matter of fact, my idea in wishing to hold private conference with Mr. Heney was based on a desire to sound him as to his feelings towards me. I had fully made up my mind to be governed entirely by his conduct upon that occasion. If his manner should indicate a lack of forgiveness, or that he was inclined to be arbitrary with me, it was my intention to make every pretense of yielding to his terms, and then lose no time in getting out of the country. I had planned to take the overland route on foot through Sonoma and Mendocino counties to my old home in Humboldt county, where I was perfectly familiar with every inch of the ground, and where I could remain secluded among friends in the backwoods until the affair had blown over. After that I could make my way to the seacoast and secure passage on some sailing vessel bound for a foreign port, and thus be in a position to defy the Federal authorities. These are the matters that had been revolving in my mind from the moment I had determined upon my present course, and explains my motive in wishing to meet the Government prosecutor at some neutral point where he would not hold all the advantage.

As a word of additional explanation of my position, I will state that, before leaving New York City for the Pacific Coast, I had thoroughly made up my mind that I could make no headway in a Government penitentiary; that my debts, which I was desirous of paying, must stand indefinitely and I questioned that I could ever settle them at all, while my family must go without my care and support. Outside prison walls, I would soon be enabled to square up everything, and at the same time, give to my family the protection it demanded and furnish the necessaries of life. This I wanted to do in America, but if forced to do so, I believed that it could be done elsewhere. However, after debating the subject with myself pro and con, I decided that my only hope was in Mr. Heney, and that I must call on him without further delay.

Settling my bill at the boarding house, I purchased a ticket for San Francisco over the Santa Fe route, via St. Louis and Kansas City, leaving New York City on May 11th, 1906, and arriving at Point Richmond, on San Francisco bay, on the evening of the 15th.

As the train was late in arriving, and accommodations, on account of the recent earthquake in San Francisco, were difficult to secure, the Pullman conductor informed his passengers that they might occupy their berths until the following morning.

Remaining in the car, as I did not care to venture home that night, lest it was being watched, I arose early on the following morning and my first thought was to learn if Mr. Heney was in the city, and if so, to reach him by 'phone. It was not my intention to talk with him personally, but to reach him by process of some friend, through whom I might learn if he was in the city. I spent something like half a day in this effort, but could do nothing, as the telephone system was completely demoralized.

I then took the car for Alameda, going through Oakland, where I walked through the streets crowded with refugees from San Francisco, arriving at Alameda about 1:30 p. m. and going direct to the Park Hotel, which was the only hotel in the city. Here I engaged a room and registered under an assumed name.

After eating luncheon in the hotel cafe, I went to the main office of the telephone company and called up my home, the telephone being answered by one of my little boys, who inquired what was wanted. As I recognized the voice as that of the one who owned a lot of pigeons, I asked him, in a muffled tone, if he had any squabs for sale. I did not care to risk his recognizing me at this time, as little fellows, in their enthusiasm, will sometimes talk too much.

Being informed that he had a number of squabs and that they were for sale, I made an appointment with him for that evening at 8:30, requesting him to meet me at a certain point in West Berkeley, which he said he would do and I hung up the receiver.

Returning to my room, I passed the time in reading accounts of the recent disaster in San Francisco and at the appointed time, I met my son. As I had not seen the little fellow for something like six months, he passed me on the street corner without recognition, but had gone but a few paces when I stopped him with the inquiry as to why he should pass his father in that manner. The lad paused for a second, and when he realized that it was really me, bounded into my arms. His joy was unbounded, and it was with difficulty that I could restrain him from crying aloud in his demonstration of affection and pleasure.

After quieting the lad, I told him that it was none other than myself who had 'phoned about the pigeons, and now that he had kept his appointment, I had still another and more important duty for him to perform.

The little fellow was willing, so I instructed him to inform his mother that I had returned, both safe and sound, and that I was waiting to see her at the same place where I had met the boy. I cautioned him not to speak of the incident in the presence of his sisters or brothers, or any one else, but to take his mamma upstairs and deliver the message where no one else would hear.

He was off at once, and, as there were but eight blocks to go in reaching home, it was but a short time before he came back with his mother, both arriving with flushed faces and laboring under much excitement. It was not intended that the boy should return, but in pleading his own cause at the time, he said: "Papa, I couldn't stay away." In this case, there was no evidence to offer in rebuttal.

Needless to say that I was delighted to meet my wife once more, as she was also to see me. My business had often kept me from home a great deal, but this was the longest time I had ever been away from my family, and it made the reunion a doubly happy one, more especially as it established the fact that every member of the family was in good health and that the appalling disaster of a few weeks before had not materially affected their surroundings.

After briefly relating my experiences, I informed my wife that I had returned for the purpose of seeing and talking with Mr. Heney, although for the present, I must keep in the background. I told her where I was stopping and said that I would 'phone her every day, but that she must not call me up. It was also understood that nothing should be said to the other children, or to those who were stopping at the house, some ten persons in all.

I explained, of course, that it might be several days before I could locate Mr. Heney and arrange for an interview. In the meantime, I must busy myself in an effort to find someone worthy the task of adjusting matters for me with him.

I informed Mrs. Puter that it was my intention to try and locate Mrs. Marie Ware McKinley, Horace's wife, and also Mrs. Emma L. Watson, through one of whom, I believed it possible to arrange for a meeting with Mr. Heney.

She stated that Mrs. McKinley and Albert ("Allie") McKinley, Horace's cousin, had called at the house several times during the past few weeks, and that the latter had told her that he had been in communication with the La Crosse people with whom Horace had difficulty and they had expressed a desire for Horace to return, as it was not their intention to prosecute him, but would give him all the time necessary to square matters with them. Allie McKinley, declared my wife, seemed to take a great interest in the personal welfare of myself and his cousin Horace. In speaking of the trouble, he suggested that, if it were impossible for Mrs. Puter to reach me by letter or wire, it would be well to advertise through the columns of the papers in the larger cities of the East, requesting that I communicate with him, (Allie McKinley), for valuable information. Should a reply be received, he would then advise that I return to San Francisco and see him. My wife consented to the plan, so McKinley had the advertisements inserted in the New York and Boston papers, as he thought I would be in either one of the two places. After assuring my wife that I would call her up the very first opportunity, I bade her good night and returned to my hotel. On the following morning, I decided to ring up Mrs. Watson first, for the reason that I knew that she lived with her mother in San Francisco, and within a few blocks of Mr. Heney's residence. Mrs. Watson had been convicted with me in the 11-7 case and it was reasonable to believe that she had talked frequently with him and would probably know how he felt toward me. In any event, she would be in touch with his whereabouts.

I experienced some difficulty in locating Mrs. Watson over the 'phone, as she had moved from her former residence, immediately after the fire and was now living in Oakland, across the bay. However, through her friends I learned where she was living, and about 1 o'clock on Thursday afternoon, talked with her over the 'phone, requesting that she come to Alameda and meet me in the park at 3 o'clock.

Upon meeting Mrs. Watson, she expressed great surprise, and remarked that she supposed that I, too, had gone to China, as she had read several accounts in the San Francisco papers of my escape from Detective Burns and did not think that I would stop short of some foreign country in my anxiety to escape the eagle eye of "Foxy Quiller."

Assuring her that the United States was good enough for me, and that I was still here and in the flesh, I proceeded by informing her that I returned to

William C. Bristol, a brilliant lawyer of strict integrity, whose appointment as United States Attorney for Oregon was opposed vigorously by Senator Fulton the Coast for the purpose of seeking an interview with Mr. Heney and that I had sent for her, hoping to enlist her aid to that end. I asked Mrs. Watson whether Mr. Heney was in the city, and if so, if she knew where he was stopping.

She replied that he was in San Francisco, and while he had changed his office after the fire, was still residing at his old home and that she had called on him several times within the past few weeks.

Asked if Mr. Heney had made any reference to either McKinley or myself, Mrs. Watson stated that he had spoken of us on several occasions, and had expressed surprise that we should have gone away.

In discussing the matter with her in a general way, she maintained the opinion that Mr. Heney did not have anything against either McKinley or myself and insisted that he had spoken kindly of us both at different times and she believed, if I gained an interview with Mr. Heney personally, as was my expressed desire to do, and would explain to him the entire situation, he would feel agreeable to the idea and would meet me more than half way on any fair proposition. Mrs. Watson volunteered to arrange a meeting between Mr. Heney and myself at her home, provided he could be induced to come there, and I approved of the plan, as Mr. Heney could probably be induced to come there rather than to any other place, on account of her connection with the Oregon trials, and on the pretext that she had some information which she wished to impart to him.

After discussing the subject in order to determine on a probable excuse she might offer to Mr. Heney for not wishing to divulge the information when she called at his office, I told Mrs. Watson to advise him that it was in the nature of documentary evidence which she did not care to risk carrying on her person, but which, if he would call at her mother's residence in Oakland, she would gladly show to him personally, and by way of arousing his curiosity, she was to exact from him a promise that he would not divulge to a single person where he became possessed of the information, nor was he to mention it at all until the next session of the Federal Court in Oregon, at the resumption of the land fraud trials.

Mrs. Watson hesitated to agree to this deceptive method of bringing Mr. Heney to her home, but when I pointed out to her that she would be telling the truth in a sense—that I would be there, if Mr. Heney would agree to come, and would present myself as the "documentary evidence" and which documentary evidence, in all truth, she could not very well "risk carrying on her person," I could not see where Mr. Heney would have any cause to complain, or to call into question her reputation for truth and veracity. At any rate, I assured Mrs. Watson that no harm could come of it, even though her contention might be considered far fetched.

I prevailed upon her finally to view the situation as I did, so she agreed to call on Mr. Heney at his office on the day following—Friday, May 18th—and if a conference was arranged, she could notify me immediately by visiting the place of our present meeting at 4 o'clock Friday afternoon, but if she should fail to see Mr. Heney, she was then to meet me on the following morning at 10 o'clock.

Returning to my hotel, I remained there during the evening, and the next morning arose early and took breakfast in a small restaurant across the street from the hotel, after which I read the morning paper and then sauntered down the street to a point where I had noticed a number of men and women formed in line. These I discovered to be San Francisco refugees awaiting their turn for their morning rations, which were being distributed by members of the relief committee.

Having a curiosity to learn how matters were progressing, I fell into line, and after moving forward with the crowd, managed, about 40 minutes later, to reach the inside of the building and found myself in front of a long counter. Behind this were several clerks busily engaged in filling orders on identification cards handed in by those entitled to consideration. These cards bore the name of the person, the number in the family, and such other information as might enable the clerks to make the proper distribution of provisions.

When my time came, I was asked for my credentials but had none to present. I was determined, however, to make some sort of stall, so I informed the young man that I had the misfortune to lose my ticket on the way down, but that he would surely remember me as the person who secured certain provisions from him on the morning before.

The clerk felt sorry for me, he said, but could not, in the absence of my duly signed credentials, afford me any relief.

"Would you have me return to my wife and six children without food?" I asked, imploringly.

"Don't like to do it, but the rules are imperative and I cannot break them," he replied.

"How about a loaf or two of bread, couldn't you let me have that much?" I pleaded.

"Can't do a thing for you!" was the stern reply.

"Would you mind letting me stand here then and satisfy my hunger by seeing others get what they want?" I inquired.

"No sir, you must move on!" he commanded.

With this, an old lady who stated that she had two little girls at home, but who evidently was of the kind that would share her last bun with a needy stranger, confronted me with the remark:

"Here, mister, take one of my loaves home with you."

My curiosity had been fully satisfied and after thanking the dear old soul for her benevolence, I placed two fifty cent pieces in her hand and requested that she give one each to the children for me, upon her return home, explaining at the same time that I had called only to see that things were being properly conducted according to instructions.

The old lady seemed satisfied with my explanation, the clerk looked wise and swelled up a bit to think that I had been outdone in my effort to ensnare him, and I, too, feeling content as a result of my investigation, extricated myself from the crowd and was soon lost to sight, not thinking it best to remain about the place, as it was not unlikely that some official of the relief committee might be hovering near and would inquire as to my identity.

Later I took a walk in an easterly direction until I came to the county road connecting Alameda with San Jose and continued down the road to San Leandro, where I ate luncheon and also 'phoned to my wife. I then returned to the park in Alameda and waited for Mrs. Watson until almost 5 o'clock. I returned to the hotel about an hour afterwards, as it was not likely she had kept her appointment. In the evening I attended a stereopticon entertainment, showing views of San Francisco during the progress of the fire immediately after the earthquake.

At 10 o'clock on the following morning, Mrs. Watson came to the park and informed me that upon reaching the building in which Mr. Heney's office was located, her heart had failed her completely.

"You will think me a coward," said Mrs. Watson, "I am probably all of that, but the truth is, I was overcome with an indescribable feeling of fear and could not proceed an inch further. I thereupon decided to return and see if some other plan could not be devised."

I felt keenly disappointed, but could not upbraid the woman, as her every action indicated distress because of her inability to do as she had promised. Besides I felt secure in my present position, and believed that it would only be a matter of a few days when some other plan would present itself to my mind, when I would probably think of some other way to reach Mr. Heney and arrange for a meeting.

This seemed to encourage her, and she stated, before departing for her home, that if I failed in my efforts to make other arrangements, to let her know and she would try it again.

This interview took place on Saturday morning, May 19th, or just one day before my capture.

After thanking Mrs. Watson for her efforts in my behalf, I returned to the hotel and went to my room to think matters over. Mrs. Watson, I reasoned, would probably fail again, should she attempt to interview Mr. Heney, so I decided to call on Mrs. Marie Ware McKinley, as Burns had given her credit for having withstood his inquisition and I felt that she was capable of doing a great deal in my behalf.

It was very probable, therefore, that Marie could arrange matters for me, and as my wife had given me her address, I thought it worth while trying anyway. She was thoroughly familiar with the land fraud cases, and would understand exactly just why I wanted to gain an interview with Mr. Heney. Besides, I was of the opinion that he felt kindly toward her, and upon receiving the story, such as I had originally outlined, he would not hesitate to call at her residence.

Not having anything to occupy my time during the day, I borrowed a pair of field glasses from the landlady at the hotel and walked to the hills back of Oakland, from whence I viewed the devastated districts of San Francisco. I had a great desire to visit the city in person and inspect the ruins, but would not countenance the thought of imperiling my chances of freedom until after I could talk with Mr. Heney, so was forced to content myself to view the results of that awful disaster from afar.

After returning to the hotel that evening, I took supper and lingered about until quite late, as I did not think it best to call on Marie much before 11 o'clock. I had endeavored during the evening to reach her by 'phone, but did not succeed. As I would not risk making an appointment by messenger, I figured that, on account of it being Saturday night, she would not be likely to retire very early and would, in all probability, be up until 11 o'clock, if not later.

About 10:30 p. m. I left the hotel and boarded a street car for 32nd street and Shattuck avenue, Berkeley, where I alighted and walked to the address given me by my wife, as the residence of Marie. Upon knocking at the door, it was opened by Allie McKinley, Horace's cousin, who inquired upon seeing me: Isn't this Mr. Puter?" to which I replied that he had guessed correctly.

It was something like four years since I had seen Allie McKinley, and as I was somewhat changed in appearance, he did not readily recognize me, but in taking a second look, discovered in me the much sought for Puter.

Inviting me inside, we entered the sitting room, whereupon I asked if Marie was stopping there. To this inquiry I received an affirmative answer, accompanied by the information that she had retired for the night.

Stepping to the stairway, Allie called to Marie that Steve was here, and she immediately dressed and came to where we were talking. Marie, of course, was delighted to see me, though she said that she was not surprised, as she rather looked for me to show up soon. Her actions on that occasion were those of a boisterous child, overjoyed because of the return of a long absent friend or parent, and she made no attempt to subdue her emotions.

I was somewhat amused at her childish antics and the interest she exhibited in my revelation of the happenings of the past few months. She was intent on catching every word and was jubilant in her expressions of satisfaction in learning of my success, while she would stop to pity me when I spoke of the trials I had undergone and would frequently interrupt me with words of caution, in childlike solicitude for my present safety.

It was quite natural, I suppose, that Marie should receive me in this manner, as I had known her from girlhood and was familiar with all the circumstances surrounding her love affair with my friend and partner. I had often found it necessary to patch up many of their little quarrels of the genuine lover's kind that had arisen between them. To Marie, therefore, I had been somewhat of a guardian angel, or big brother, as it were, and it was only to be expected that she would treat me accordingly.

An alleged settler's cabin on the summit of the Sierras, near the line between Butte and Plumas Counties, California, showing character of timber grabbed under the homestead laws. This claim, very apropos, overlooks Humbug Valley

During my visit, I related as briefly as possible my experience from the time of last seeing Horace in Chicago when I attended their wedding; how I spent the intervening time between that date and the time of my meeting with Marie and her mother-in-law, Horace's mother, in Minneapolis; what had taken place after that date, including my escape from Burns in Boston, and why I had determined, as a fitting climax to my exciting adventures, to return to the Pacific Coast.

My readers will readily understand the object I had in view in relating at this time, the incidents of the past six months to my old partner's wife, which was, of course, to prepare her for what was to come—the object of my visit—to solicit her aid in gaining an interview with Mr. Heney.

Nor could I question her sincerity as a true friend and one worthy of the confidence I was now about to repose in her, as I was fully convinced she would perform the duty in a most conscientious and faithful manner, with credit alike to herself and those interested, and would, in my opinion, succeed in bringing Mr. Heney to her home, where I could meet him in person and learn my fate.

I could not, however, bring myself to the point where I felt entirely safe in unfolding my plan at that time and in the presence of Allie McKinley, who remained in the room, never leaving it for a single moment, from the time of Marie's entrance. I had no right, it would appear, to question this man's stability as a friend and the sincerity of his expressions of solicitude for my welfare, for was it not he, to whom my old friend and partner referred, in speaking of how I could best reach him by letter in his first communication to me from China, when he wrote: "My cousin, Allie McKinley, whose address is 222 McAllister street, San Francisco, is thoroughly reliable and trustworthy, and a person in whom you may place every confidence without reservation, and I urge that you communicate with me through him, rather than to attempt it through any other source." And further, was it not this same Allie McKinley whom Horace had spoken of during our travels among several of the Middle States, when it appeared that we might be forced to separate for a time and would require the aid of some trusted friend through whom we might communicate?

Yes, Allie, my host of the hour, was this same person, and the same, indeed, who, calling at my home in company with Marie Ware McKinley, his cousin's wife, had assured Mrs. Puter that he would be glad of the opportunity to lend assistance to Horace, as he would also to his cousin's friend. So solicitous, in fact, was this man for our welfare, that he made frequent visits to my home, for the avowed purpose of contriving some means whereby he might effect our return and arrange an amicable settlement of difficulties.

Withal, the man's silent look and expression, which was frequently directed to my quarter, was not such as to confirm the confidence which I should gladly have placed in him at that moment. Besides, it did not appear necessary that I acquaint him with my plans, as I must look to Marie alone for a successful termination of what I had in mind, and as he could not take any active part in the proceedings, I reasoned, as I had often done before, that one confidence was always better than two.

Allie, during the two hours that I spent at his house that night, had been much of a silent listener, only venturing to ask such questions as, "How are you fixed, Steve, in case you are being trailed now and the officers should come in on you?" and "What would you do in event of being discovered?"

For answer, I reached for my gun, which was fastened to a belt around the front of my body and concealed inside my trousers.

"I guess this would hold them for a while," I remarked, significantly.

After gazing steadfastly at the weapon a few seconds, and without making any request, he made a move, such as would indicate his desire to inspect it more closely, but perceiving his object, I quietly replaced it in my belt without comment.

As the hour was growing late, I informed Marie and Allie that I must be returning to my hotel, and in leaving asked Marie if she would meet me at the park in Alameda on Sunday afternoon at two o'clock, at which time I would acquaint her with my plans for the future and also advise her in regard to a certain matter which I wished her to attend to for me. Marie readily assented, whereupon I bade them both good night, and departed for my room.

As I had settled my bill prior to leaving the hotel that evening and engaged a room in a private family some four or five blocks down the street from the hotel and towards the bay, I hesitated to go to my room at such an unseasonable hour; but as I had removed my suit case from the hotel to my new quarters, and as my room was on the ground floor and could be reached without disturbing any one, I concluded to do so.

Arriving there, I retired immediately and endeavored to find repose in sleep, that I might rest both body and mind, but to no avail.

Somehow, but for what reason I could not exactly understand, I had a foreboding of impending danger. Even in the darkness of night and in the solitude of my room, there appeared a vision as of one lurking in the shadow, upon whose face was written the cowardly expression of a deceptive and crafty foe.

Try as I would to escape from this ill omen and to banish the thought, this vision of a traitorous hand was my ever constant and persistent companion, and through the long weary hours of the night, like Banquo's ghost, it would not down.

Could I have an enemy such as that which held me spellbound and in constant fear? Could he be even now upon me, and would I, in a moment of helpless surroundings, be dragged forth to meet my doom? These were among the thoughts on this eventful night, which proved to be my last of freedom for many moons to come.

It was then that I reviewed to my mind the constancy of my friends, those who had been faithful to me through thick and thin, at the risk of becoming implicated in my troubles.

It was then, too, that my thoughts reverted to my wife, and it was then, indeed, that I looked to her as the one faithful to the end. She it was whom I could trust, and she it was, in this hour of baffling thought, in my moments of hope and fear, in whom I decided to confide and to make my messenger for the arrangement of this all important meeting with him in whom I based my hope. I must see Mr. Heney at once, and my wife, on the morrow, will be intrusted with the mission of bringing him to our home.

The night being far spent, and without sleep, I arose at six o'clock and had breakfast over with about an hour and a half later. I then read the morning paper until 8:30, when I went to the main telephone office in Alameda and 'phoned to my wife, requesting her to call up Mr. Heney at once, and after stating that she had some important news for him, to ask if he would call at the house, or if she might come to his home, and to ask, in either event, what time would be most convenient for him. I also told my wife that I would call her up again later in the day. In the meantime, she was to call up Mr. Heney, but was not to mention my name, nor refer to my present whereabouts.

I then returned to my room, and taking from my grip my new model, knockdown, 30-30 Winchester rifle which I had purchased recently in New York City with the intention of placing it in my cabinet of firearms—as I am somewhat of a fancier along that line—I proceeded to put it together and shortly thereafter, walked to the beach, some two blocks distant. Here I entertained myself in target practice in the hopes of correcting any deficiency that might appear in the sights of my new piece, as I had not yet had an opportunity to test it.

I remained on the beach about two hours, during which time I traversed a distance of something like a mile. Finding my gun in good shape, and after killing a few small birds, I returned to the city by one of the main streets, and as I reached the corner of Park street and the one on which the broad-gauge railway runs, I met a lady and gentleman. Addressing the latter, I asked him, referring to the railroad, if it was the track that led to the Oakland mole, or if it went to the narrow gauge depot, connecting with San Francisco.

The gentleman not appearing to know, his companion volunteered the information, and as ladies frequently do, she consumed sufficient time to give me a complete history of the road. The conversation, I presume, lasted fully three minutes, and I might state here, that this lady, to whom the newspapers referred as the "blonde" with whom I held a conversation, was a total stranger to me, and to this day, I have never learned her name.

As there was another railroad track some two blocks distant, my object in making this inquiry was to learn which of the two was the most direct route to my home, as I expected, in event of Mr. Heney agreeing to come to my house, to be called upon to go there at any moment.

After securing the desired information from the woman, I continued, with rifle in hand, down the main street of the city, past the Park Hotel and to the telephone office again, where I called my wife up and inquired as to the result of her efforts to reach Mr. Heney.

She informed me of having put in a call at nine o'clock, or shortly after talking with me that morning, but had received no reply. She would, she said, put in another call immediately and would continue to do so until an answer was received.

As it was now almost twelve o'clock, I went to the restaurant and had luncheon. I then returned to my room, and after taking my gun apart, cleaning and replacing it in the case, I locked it away in my suit case and prepared to meet Marie, as per appointment of the night before.

After donning my overcoat, which was a long one and quite heavy, I looked at my watch and discovered that I had yet fifteen minutes to spare, so instead of walking direct to the park, which was only a block away from my room, I decided to take a circuitous route to a point where the car would stop, on which I expected Marie would arrive, it being my intention to walk back to the park with her.

The route in question took me along a street immediately west of the main street, and past the police station. This, however, I knew nothing about at the time, so went by the City Hall, on the opposite side of the street, as unconcernedly as though I were on one of the back streets of the city and wholly oblivious of impending danger.

I had just looked at my watch, which indicated that the time set for appointment with Marie was drawing near. As I expected she would be prompt to the moment, as was her custom, I was debating with myself as to what I should say to her. If I found it possible to arrange a meeting with Mr. Heney through the efforts of my wife, I preferred to do so, but should this fail, I should be glad enough to enlist Marie's services to that end. She would want to know, of course, all about my plans for the future as soon as we met, so I concluded, instead of hailing her upon alighting from the car, to take a position where I would not be observed and to permit her to walk to the park alone, following close behind, and after meeting, to excuse myself for a few moments, when I could go to the telephone office again and inquire of my wife if she had succeeded in making an appointment with Mr. Heney.

If I learned that this had been accomplished, it was my intention to reserve myself in the matter of unfolding my plans to Marie. If, on the other hand, my wife had failed to reach Mr. Heney, I thought it would be well enough to tell Marie everything and enlist her services. Even at that, I figured that Marie could be pulled off at any time, should I learn, in the meantime, that Mrs. Puter had gotten into communication with Mr. Heney and satisfactory arrangements had been made for a meeting.

Thus absorbed in thought, I walked along until I had reached the corner of the street just one block north of the City Hall. I had observed a man crossing the street and knew that we would meet, but paid no thought to the matter, as he was apparently unconcerned as to my presence. As I was about to turn the corner, the man grappled me by the arm and exclaimed:

"We want you!"

At the same moment, as I attempted to wrench myself from his grasp, two other men, who had evidently been concealed in the immediate vicinity, seized me from behind.

I was determined from the first to put up a fight for freedom and to keep it up until all possible hope had vanished. Having noted that not one of the three men who had seized me was physically my equal, my first thought was to free one hand and use it with such effect as would enable me to become totally freed from their grasp, as it would require but a second to unbutton my overcoat and reach my gun. I soon discovered, however, that the combined strength of the three men, as pitted against that of my own, was more than I could successfully cope with, and more especially because of my being encumbered by a heavy overcoat, which was buttoned and reached almost to my shoe tops. Even against these long odds, I continued to give battle as best I could, and it was waxing warm and fierce when Chief of Police John Conrad appeared on the scene and took a hand.

I continued to struggle as they headed me toward the station and one of my captors—who had first laid hands on me at the corner—evidently thinking that I might yet escape, suggested to the Chief that he use his club and lay me out, excitedly exclaiming:

"Hit him over the head, Chief—let him have it—knock him out!"

But the Chief did not strike me, for while it is true that he raised his club in a threatening manner, it is also a fact that whatever his thoughts may have been, he refrained from making use of the uplifted club, as the weak-kneed sleuth had advised.

The remarks of this man had angered me, of course, though I did not believe that the Chief would follow the suggestions made to him, as his general appearance and demeanor did not savor of the coward, or one who, under such circumstances, would be guilty of such an act. When he raised his club, however, I thought it high time to express myself, which I did in language that would not be considered exactly genteel and which, for obvious reasons, I shall not repeat at this time. I might say, though, that I counseled with the Chief to think twice before taking such action and I might also state, that I reached the station without experiencing the delightful sensation of having my head knocked off.

About midway between the point of capture and the station, or half a block from the City Hall, a policeman came running up, and the same individual who had suggested that violence be used against me, addressed him with the remark:

"Damn you, why didn't you get here on time?" To this the patrolman made no response, but turned about and quietly returned with my captors to the station.

Upon entering, I was ushered into the Chief's private office, and there searched and relieved of my valuables, including my revolver, and perceiving that they were about to remove me to a cell, I addressed the Chief and requested that he permit me to use the telephone, which he said I might do.

Calling up my home, I inquired of my wife if she had succeeded in reaching Mr. Heney, to which she replied in the negative, but stated that she had been trying all day to find him and would put in another call.

"That will not be necessary now," I remarked.

"What do you mean?" came back the inquiry, in a voice that denoted excitement and fear.

"I am at the police station," I answered, and was about to say something that would reassure my wife and let her know that I was all right and not to worry, when I heard the receiver at the other end of the line strike against the wall and at the same instant came a sound as of some one falling to the floor. I thereupon hung up the receiver and after informing the Chief that I was through, and thanking him for the courtesy extended, was led away.

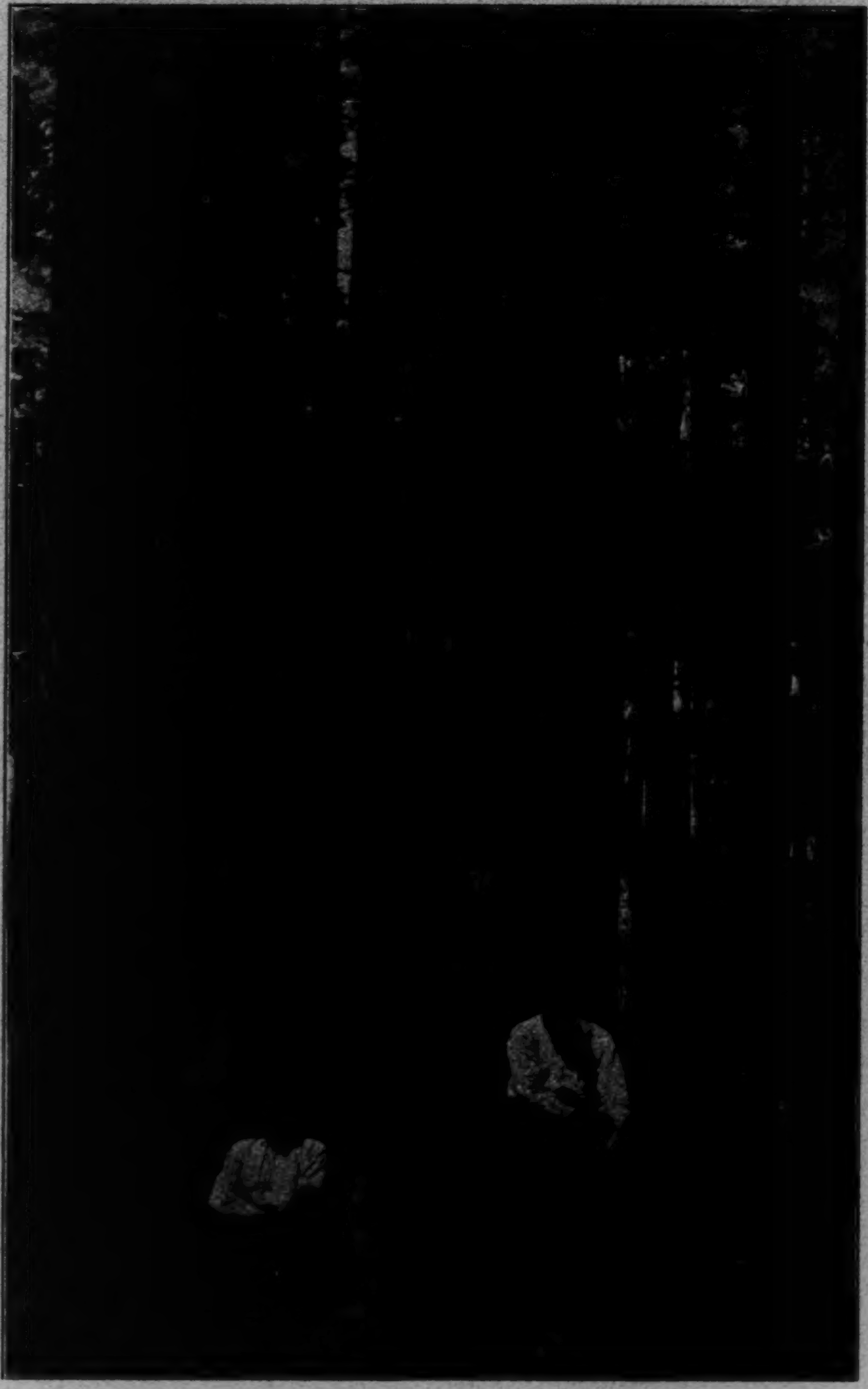
My captors, either through spite, or to show their authority, or from fear that I might possess the power to claw through an ordinary wall, placed me in the dungeon. It was a steel cage, devoid of any aperture whatever, except for a small square opening in the door and which, after they had locked me in, they took occasion to close, thereby excluding the last ray of light that might have cast a reflection of hope upon the surroundings of my gloomy cell.

I shall make no attempt at this time to describe my thoughts, as I found myself alone in the confines of total darkness and solitude, preferring that my readers exercise their imaginative powers to define my feelings. Mine, up to this time, had been a life of freedom, barring the few moments passed in the custody of Secret Service Agent Burns when he thought to hold and return me to the Pacific Coast, and the time spent with a deputy United States Marshal in Portland, when I was seeking bond for my appearance in Court. As compared to my present predicament, they were not to be considered as worthy of note.

I was a real prisoner now, and whatever else can be said, I knew it and felt my position keenly. Had I secured but another day, Mr. Heney, in all probability, would have been reached. Two days, and I was sure of it, but alas, I had been captured, imprisoned and in a dungeon cell, and my last hope to arrange a meeting and arrive at a settlement of my trouble had vanished.

I thought to send for Mr. Heney and to advise him of all that had been in my mind, but would he not laugh at, if not, indeed, mock me? Could he ever, I wondered, be brought to believe me and know the truth?

Thus meditating and groping about in the darkness of my dungeon cell, I was aroused by the opening of the wicket in the door, through which came a stern voice in commanding tones, ordering that I "come forward here that I may take a look at you!"



Character of timber in Township 4 S. Range 5 E. Clackamas County, Oregon, on 2560-acre tract sold by Puter in 1896 to Geo. C. Jones, of Appleton, Wisconsin, and R. E. Moss of Chicago, for $3.25 an acre. Estimated to cut more than 100,000 feet per acre, and now valued at $150 an acre

I glanced at the man, but did not recognize in him one of those with whom I had recently come in contact, and in reply to his command, I said something which, as in the case of my reply to the suggestion of the weak-kneed sleuth, it would be best that I refrain from putting into print.

I did not "come forward" so the man on the outside threw up the wicket again and went away.

Some twenty minutes later, the door to my dungeon was thrown open by the Chief of police, who invited me to step outside, remarking that I might have the freedom of the main room, which was about twenty feet square and the same in which the portable dungeon was placed. The latter occupied one corner, and less than one-sixth of the room space. Leading from this was another room, in which was a double bedstead, with mattress, blankets and pillows, which the Chief informed me I might make use of, at the same time advising me that I could have the privilege of sending out for anything that I desired.

I had been in the jail something like two hours when Mrs. Puter called. The meeting, as may be imagined, was not so pleasant as that of a few nights before, when I visited with my wife and little boy on the street corner. Our interview lasted about an hour and I really felt relieved when my wife started for home, as my surroundings were not conducive to restoring confidence, and the longer she remained, the worse she would feel. She blamed herself for not reaching Mr. Heney by 'phone before this condition could exist, often remarking that she might have been more persistent in her efforts to find him.

After my wife's departure, I made careful inspection of my surroundings and found that my new quarters contained many conveniences which I did not look for, or hope to find, in a city prison. But there was yet another surprise in store for me, for at the supper hour, the Chief called on me again and asked what I should like to eat. I had rather expected to have a pan of boiled beans thrown at me, but instead, was allowed to place an order for a "porterhouse," which was substantially served about 40 minutes later, together with French fried potatoes and a cup of good coffee.

As I had nothing to occupy my attention, I retired early and not having slept any the night before and because of the fatigue and worry of the day, I was soon lost in peaceful repose and wholly oblivious for the time of my troubles, both past and present. Upon waking in the morning, I had difficulty in locating myself and for a moment, I did not realize the true situation. But it soon dawned upon me in all its hideousness.

Shortly after arising the restaurant man called and took my order, and when breakfast was served and over with, I was handed a morning paper containing a full account of the capture. The article, as might be expected, was quite sensational and went on to state that I had been trailed by detectives from the time of leaving my room on Sunday morning, describing how I had met and talked with a certain "blonde lady" during the forenoon on the railway track, after which I returned to my room and shortly thereafter, appeared again on the streets, where the detectives, fearing lest I was preparing to leave the place, pounced upon me and effected my safe delivery to the police station.

I concluded, after reading the account of my capture, that the detectives had very probably interviewed the blonde lady referred to, and inquiring as to the nature of her conversation with me, and learning that I asked as to which of the two roads led to the Oakland mole, they concluded I was seeking this information in order to gain knowledge of a probable means of escape. My having donned my long overcoat, too, and because of the direction in which I was walking, would tend to establish this theory.

But how, I asked myself, could they have located me in the first place? The paper stated that they had trailed me from early morning and for aught I knew, they may have been trailing me on the day before, or from the time of my arrival on the Coast, or from the East, for that matter. This was a question which I longed to have answered and one that perplexed me sorely.

I had several callers during the day, including my wife and some of the older children. Mrs. Watson also called to see me and felt very much chagrined over the outcome, blaming herself for my present predicament for having lost courage when she went to call on Mr. Heney at his office.

"If I had only carried out my original intentions when I left home for Mr. Heney's office, you would not be here today," lamented Mrs. Watson.

She wondered, as did every one else, how I should come to be captured in that manner, after evading the detectives for such a length of time.

At that moment, I was not prepared to say, or to make any statement as to how my capture was brought about, but I did learn and that, too, very shortly thereafter, just how it all happened, the information coming to me from an authentic source and one which dispelled all doubt as to its reliability and truth, or correctness in detail.

From the moment of first reading the account of my capture and learning that the detectives had been trailing me since early Sunday morning, I was determined, if within the power of man, to learn by what means and through what source, these detectives became advised as to my presence in the city. I had therefore, though confined in the Alameda jail, instituted a vigorous line of inquiry to determine this point, and while it was being conducted, the very information I most desired was volunteered to me by one whom I least expected would give me the facts.

Needless to say that it would be impossible for me to divulge the name of my informant, as I gave my word of honor at the time that I should never make use of it for any purpose whatever, and it was understood between us that he should be protected throughout.

The conversation which I am about to relate to my readers had its inception in a question being directed to me, asking my opinion as to how I came to be captured. Replying thereto I said:

"I haven't the slightest idea."

"Did you have any idea that the 'blonde lady' had anything to do with the case?'" was asked.

"I cannot, for the world, figure how she could have had, as I cannot recollect having ever seen the lady before," I replied.

"Well, you are right; she did not figure in your capture. However, Mr. Puter, there was a woman in the case."

"Can't see how that could be—you must be mistaken," I said.

"No, Mr. Puter, I am not mistaken. The woman I have in mind played an important part, though I cannot say that she was alone in the transaction."

"Who might this lady be, to whom you make reference?" I asked.

"Isn't it a fact, Mr. Puter, that you had an appointment to meet Mrs. Marie McKinley in the park on Sunday afternoon at two o'clock?" he inquired.

"Where did you get that information?" I asked, by way of reply.

My informant, evidently hesitating to discuss the subject further, turned on his heel and was about to walk away when I intercepted him by adding: "You will tell me, won't you, where you got this information?"

Something in the man's manner told me that he had information which he would be glad enough to impart to me, but hesitated to venture so far, so I said to him, as he stood there and silently gazed at me:

"You are not afraid to trust me, are you?"

He hesitated no longer, but resuming his former position in front of me, remarked: "Puter, I have taken a liking to you—this much I will tell you in advance—and I would like to tell you everything, but you know yourself that this is rather ticklish business. If I knew," he continued, "that I could trust you implicitly, I would be willing, because of certain conditions, to tell you all about this affair, but if I do and you should become angered, as you very probably would, you might say something that would give the whole snap away and hell itself would be to pay."

"As to that," I replied, "you need have no fear, for under no circumstances would I ever betray the confidence."

"You will promise me then, on your word of honor, that the information I am about to give you shall never be mentioned in connection therewith, whatever the circumstances or consideration?" interrogated my new friend.

"You have stated the conditions," I replied promptly, and continuing, I assured the gentleman that I would protect his name in connection with the subject, as I would my life.

He then proceeded to inform me that Mrs. Marie McKinley had kept the appointment and had remained in the park fully an hour, if not longer before returning home.

My informant expressed himself as of the opinion that Marie was implicated in the plot to effect my capture, but could not understand, if such was the case, why she should have remained in the park so long a time after the appointed hour of our meeting. He was quite positive, however, that she was cognizant of the fact that information was sent to headquarters with reference to her appointment with me and of what might result as a sequence of our meeting.

"Do you mean to infer that Marie sent word to headquarters? I can hardly believe this," I replied.

"As to who inspired the message, I cannot say, but I do know, beyond all doubt, that there was a message received over the 'phone at police headquarters at four o'clock on Sunday morning, informing the department that Mrs. McKinley was to meet you in the park at two o'clock that afternoon."

"Am I to understand that Marie 'phoned this information?" I asked.

"Not exactly, but it came from one who occupies the same house in which Mrs. McKinley resides and which residence, if your betrayer has correctly stated the facts, you visited on the Saturday night before, remaining for something like two hours," was the reply.

The suspense was soon to be terminated and although I might have guessed the rest, I asked, though stunned from the shock and beside myself with grief; "who might this one have been?"

Drawing a little closer and placing his right hand on my shoulder as if to brace me for what was yet to come, in subdued tones he spoke again, and his answer had been given me.

"What," I murmured, "Allie McKinley, the very blood of my old friend and partner, Horace, and it was he, the one in whom I should have least expected to discover my 'Judas Iscariot' and the one with whom, but a few short nights before, I had partaken of his hospitality in the breaking of bread and drinking of wine and in whose home, I was supposed to consider myself a welcome guest, free to share with him in that which was his and secure against my foes!"

What did they give him that I might be delivered unto them? What, I asked myself, could be the nature of the covenant into which he had entered? Not for gold, nor for silver, nor for precious stones would I have done this thing to one of those—my friends. And could it be, that for "thirty pieces of silver" I should be sold into slavery?

It was now, indeed, that I could understand that cowardly look. It was now, indeed, that I could understand wherein his interest centered, when, on that most wretched Saturday night, he asked such questions as: "How are you fixed, Steve, in case you are being trailed now and the officers should come in on you?" and "What would you do in event of being discovered?" It was now, too, that I guessed at what might have taken place, even at that very hour, had my faithful weapon not have been produced and exhibited in evidence of something more substantial even than human flesh, and because of the sight of that polished barrel, he had cowered beneath the spell.

It was now, in my moments of reflection and bitter remorse, that I could understand the intuition of my troubled mind, when, on that same miserable night, I tried so hard to find repose in sleep, but could not, even for a moment, conquer the spell that bound me to my doom. This, in all truth, was the foreboding of my fate, but the warning I heeded not. It had to come to me, but alas, too late.

Shortly after receiving this information, the Chief of Police came to my cell and announced that Mrs. McKinley was in the office and desired to speak to me.

"Just say to the lady, Chief, that I do not wish to see her," I replied.

A few minutes later the Chief returned again and remarked: "When I delivered your message, Mr. Puter, the lady asked for the privilege of writing you a note, which I said she might do and which, when written, she handed to me for delivery—here it is."

Accepting the note from the Chief, I immediately tore it up and tossed the fragments through the bars.

"You ought to have read that, Mr. Puter, as the lady left the office after handing it to me and will probably be expecting a reply," remarked the Chief.

"Can't help it," I returned, "She will have no reply from me."

With this, the Chief turned and walked away and I was once more alone. Other callers came and went, but just whom these may have been, I cannot now recall. As my readers may well imagine, I was of troubled mind and my memory of the happenings of that afternoon is not of the best.

I do remember, however, of having received a reply to a message I sent Mr. Heney, conveying information that he would call on me. This, of itself, was encouraging, though what his actions toward me might be when he came, was purely speculative. I still had hope, of course, that he would listen to my story and that he would learn and believe the truth, as it was my intention that he should receive it from me. The suspense, nevertheless, was great and I could only have wished that, instead of replying to my message, he might have appeared in person.

Some two or three hours later the Chief called on me again and mentioned having met Mrs. Marie McKinley on the street corner waiting for a car to take her back to Oakland, when he was on his way to the barber shop after handing me Marie's note that I had refused to read.

The incidents connected with this meeting, as related to me by the Chief and as near as I can remember, are in substance, as follows:

"When she saw me approaching her," said the Chief, "she advanced to meet me and asked if I delivered her note to you, which I said I had, but that, instead of reading it, you tore the note into small pieces and tossed it through the bars to the floor at my feet.

"When I told her this," continued the Chief, "she broke out and sobbed like a child, declaring she believed that you blamed her for being captured, and begging that I return and plead with you to grant her an interview.

"This I did not think best, so advised her to go on home and promised that I would talk with you personally and it is my opinion, Mr. Puter, if I am any judge of human nature at all, that this little woman had nothing to do with the matter. Of one thing I am certain," continued the Chief, "Mrs. McKinley was deeply affected and her declarations of innocence and the manner in which she conducted herself, appealed to me as being most convincing that she was in no way implicated in the plot to effect your arrest."

I was gratified to learn this, as I had no desire to blame any one wrongfully, more especially my old partner's wife, a man for whom, as Marie well knew, I had done everything within my power during the many years of our business and social relations together. I was disposed, upon first learning of what had taken place, to hold Marie partially responsible, and the thought of her having contributed to such a dastardly plot, after our long years of acquaintance and in the face of all the little kindnesses I had bestowed upon both herself and Horace, made my capture doubly bitter. I was glad, therefore, for the opportunity to relieve my mind on this point, and to believe that Horace's wife was not responsible for the treachery I had attributed to her. I was also glad, some time

Charles J. Reed, United States Marshal of Oregon whose official record is without a blemish later, to learn from a most reliable source that Marie was in no wise connected with the plot, and that, when she came to the park to meet me, she was totally innocent of what had taken place and that her sole object in coming was to learn my plans for the future and to offer her aid, in whatever way I might suggest, to further my interests.

On the following morning, shortly before noon, the Chief informed me that Mr. Heney was in the office, and a few minutes later, he appeared at my cell. It required but a glance, even before he had an opportunity to speak, to satisfy me that Mr. Heney felt kindly toward me. His face wore a serious expression as he approached, but was not stern and cold, appearing rather as that of one who was vexed and sad, and when his eyes met mine and we were face to face, I could readily see in his every action and expression the man of sorrow and pity because of my trying position and the circumstances under which we were forced to meet.

He frankly stated that I had done wrong in going away and said, because of my having done so, he regretted to inform me that it would probably become impossible for him to do as much for me as he otherwise could.

After our conversation, which probably lasted 40 minutes, during which I related to Mr. Heney as briefly as possible all the circumstances surrounding my recent adventures and my purpose in returning to the Pacific Coast and of the efforts I had made to meet him, I felt somewhat encouraged, as he listened very attentively to everything I had to say. He appeared to appreciate my position and to realize that I told him the truth, exactly as I knew it to be. Mr. Heney, before leaving, informed me that I would shortly be removed to the Alameda County jail at Oakland, where I could remain until such time as I could arrange affairs with my family, when I would be transferred to Oregon. In bidding me goodbye, Mr. Heney stated that he would probably call again, but in any event, he would see me in Oakland before I left for the North.

I remained in the Alameda City jail either three or four days in all, when United States Marshal John H. Shine, accompanied by one of his deputies, called and informed the Chief that he was ready to remove me to San Francisco, where I was commanded to appear before the Judge of the Federal Court, preliminary to my removal to Oregon.

The Chief informed me of the Marshal's presence and of his purpose in calling, and removed me to his private office, where I was securely ironed by Marshal Shine. He then led me to a carriage in waiting, and invited me to step inside, after which, he took a seat by my side, while his deputy occupied the seat facing me, and we were thus driven to the Federal building in San Francisco.

Arriving there, I was taken to the Marshal's office, relieved of my irons and escorted by a squad of deputies to the Court room and before Judge De Haven, waived the reading of all documents and indicated my willingness to return to Oregon without the necessity of further delay.

I was then taken back to the Marshal's office, where I met and talked with Mr. Heney, and also had the pleasure of meeting and conversing with William J. Burns. As this was the first time I had encountered Mr. Burns since my escape from him in Boston, my curiosity was somewhat aroused as to how he would greet me, and noticing, when I caught his eye, that it was his purpose to speak, I walked toward him, and as he extended his hand, I remarked:

"I will be glad to shake hands with you, Mr. Burns, if you feel you can do so in the same friendly way you have always done in the past."

"I haven't a thing in the world against you, Mr. Puter," was the reply, as Mr. Burns grasped my hand.

"Glad to hear that," I replied, and continuing said: "You know, Mr. Burns, I had no intention of injuring you when I made that fight in Boston—my only thought, in fact, was to get away."

"Oh," replied Burns, "that was all right," and in turning away from me, as he did at that time, I was thoroughly convinced that his feelings toward me were not of the best, for whatever his remarks, the "glassy eye" which he gave me was evidence sufficient that forgiveness on his part was not so complete as he would have me believe.

I was then manacled again and taken to the Alameda County jail, in Oakland, by Marshal Shine and a deputy, and upon arriving there, was placed in a cell, to which there was no opening whatever, except the small one in the door through which the meals were passed. The cell itself was so situated as to exclude all light, except that which came through the wicket, or opening mentioned.

Adjoining the one in which I was placed, were two other cells, making three in a row and immediately opposite were three more, the corridors serving for all six cells, with two prisoners to each one. As the top of the corridor was made of flat iron or steel bars, above which there was a skylight, and there was a window within a few feet of the bars at one end of the corridor, the corridor itself was amply supplied with light during the day, but this light, as a stated heretofore, could not penetrate into the cell rooms proper, so the prisoners were in almost total darkness between the hours of 7 and 9 o'clock in the evening, when miniature electric lights were turned on.

At the time of my incarceration in the Alameda County jail, there were ten men, besides myself, or eleven of us in all, occupying the six cells. Some were serving jail sentences, while others were being held as witnesses, but all were treated alike, being permitted to exercise in the corridor between 7 and 8 o'clock every morning and from five to six in the evening; also being given the freedom of the corridor for a time on Friday of each week for the purpose of cleaning up their cell rooms and scrubbing the corridor. They were likewise permitted to occupy the corridor during the religious services which were conducted by members of the Salvation Army. All the balance of time, the prisoners were confined to their cells, which, because of the darkness prevailing throughout the day, were veritable dungeons.

The prisoners were not permitted to see the daily newspapers, it being one of the strict rules that no literature whatever should be allowed in the place, except such as the members of the Salvation Army, or other religious denominations might care to leave with us. It was amusing, during the day, to note the faces of other prisoners pressed to similar openings across the way, in an effort to devour the contents of the religious tracts that had been given them. Personally, I was not in a mood to become converted at that particular time, nor can I understand how any one else could do so under such trying circumstances, as the light furnished us was hardly sufficient to permit a person to read the headlines, without considering the fine print. During the twelve days of my confinement in this jail, I never saw Sheriff Barnett nor did I see Jailer Pete White but twice, when I was delivered into his custody by the United States Marshal upon entering, and at the time of my leaving the place.

The head "trusty," who had charge of the cells attached to all corridors, there being four corridors in all, was, in my opinion, the most contemptible piece of humanity with whom I had ever come in contact, and it is beyond me to understand how a jailer, who is supposed to be a man of some intelligence, if not education, could permit or tolerate such conditions as existed under this man's brutal and domineering management of the affairs of that bastile. To think that, in a civilized country, such as we feel proud to term our own, a jailer would turn over the management of affairs to a petty larceny thief of this trusty's caliber; a thing devoid of all feeling, a degenerate in appearance, with a look of villainous treachery in his eye and the mark of depravity and morbidness engraved in every feature. If ever a man bore the mark of Cain, it was this sullen beast that strutted to and fro, showering abuse and profanity upon those whom he was pleased to call his charges, and whom he treated as one lost to all reason might be expected to regard a mongrel cur upon the street.

One of the so-called conveniences for the accommodation of this prison's inmates, is what was known as the "screen room," to which the prisoners were ushered when called upon by friends. It was probably 8x12 feet in size, and surrounded by a wire screen, the meshes of which were so closely woven that it was impossible to see through them, and in addition to this, there was a second, or outer screen, similarly woven, which was placed about two feet distant and immediately in front of the person with whom the prisoner might be conversing. This arrangement, no doubt, was very good, insofar as protection against the introduction of contraband articles by the callers was concerned, but was a miserable place to hold a conversation in, as it was simply impossible to discern the features of the person with whom you might be conversing. In fact, a person could never tell with whom they were speaking, unless sufficiently well acquainted to recognize the voice. There was no secrecy observed, as the screen room frequently contained two or more prisoners, each of whom would be conversing with their friends at the same time.

Mrs. Puter called to see me daily, but was accorded no privileges, other than those extended to other callers. She pleaded with the jailer and also with the Sheriff, for a permit to see me and talk with me in private, but they coldly refused to grant her request.

I was not permitted to receive a meal brought to the jail by my wife, nor would they allow me to accept a bag of fruit. Neither were the prisoners allowed to send out to the restaurant for anything.

Concerning the food served the prisoners it was not my original intention to speak, as I believe, under such circumstances, one should put up with a great deal without offering complaint. It was of such vile character, however, as to warrant some comment, and I can truthfully say, whatever the crime or condition under which men may be forced into the Alameda County jail, under similar management to that which existed at the time I sojourned there, they are truly to be pitied. "Grub," as the prisoners called it, was too complimentary. Swill, in all truth would be a more appropriate term.

Those among the prisoners who had the price, might obtain a meal at any time from the jailer's table, by paying the sum of 50 cents extra.

I could never quite understand why there should be such a marked difference in the management of the Alameda County jail and the Alameda City jail, but I presume that the head of the institution has much to do with the way things are conducted.

During my four day's stay at the Alameda City jail, while I was made to feel my position as a prisoner in every sense of the word, at the same time, I was never treated in such a manner as would tend to force upon a man the feeling that he was not a human being, and I can only regret, since it was my lot to remain in confinement, that I was not permitted to occupy a cell in the jail over which Chief of Police John Conrad presided. I was his prisoner, but not his dog, nor was I ever so considered by him, and shall always hope for the time when I shall become better acquainted with him under more pleasant circumstances.

On the morning of the twelfth day of my confinement in the Alameda County jail, I received a message from Mr. Heney, informing me that I was to leave on the train for Oregon that night and that he would call to see me about seven o'clock in the evening. Upon receiving this information, I sent a message to my wife, advising her that I expected to leave for the North that same day, and asking her to call in the evening, when I hoped to be permitted to talk with her before my departure.

Mr. Heney and my wife arrived at the jail about the same time, and after talking with the former for about fifteen minutes, I was allowed to talk with Mrs. Puter for nearly half an hour, when the Marshal announced that the time had arrived when we must be going to the train.

After bidding my wife and daughter good bye, I was given into the custody of A. S. Dingley and J. W. Richards, the former being a Deputy U. S. Marshal, while the latter acted as his assistant for this particular occasion.

We proceeded to the Oakland mole by street car, where we boarded the Oregon Express at 8:30 for Portland, tickets having been previously purchased and the drawing room in the Pullman car engaged for the trip.

I rather anticipated being handcuffed on this trip, as Marshal Shine, of San Francisco, was very careful to place the shackles on me at the time of my removal from the Alameda City jail to the Federal Court room and later, on the trip to the County jail, so it was only natural, of course, that Mr. Dingley, his deputy, would be expected to take the same precaution. I was agreeably surprised, however, to find that I was not to be so treated and was surprised still more, upon entering our room, to have Mr. Dingley suggest to me that I might occupy either of the three berths, whichever one I preferred.

I was not regarded as a prisoner at any time during the trip to Oregon, but rather as a guest or companion, and aside from Mr. Dingley and his assistant, it was not known to the other passengers but that the trio were making a tour of the country on pleasure bent. I attribute the treatment accorded to Mr. Heney's good offices, for he must have known that I was not of the kind to escape, or attempt such a thing, under the circumstances.

Upon arriving in Portland, we took breakfast at the cafe in the Union Depot, after which, finding that it was yet too early to expect Marshal Reed in his office, we sat about and read the morning paper until 9:30, when we walked to United States Marshal C. J. Reed's office.

Upon entering, Mr. Reed seemed surprised to see us, as he had no intimation that we were to arrive on that particular morning. I was formally turned over to the custody of Mr. Reed by Mr. Dingley, at which time, I was informed that my bond had been fixed at $25,000, and as I stated that no attempt would be made to furnish the bond in question, I was immediately transferred to the Multnomah County jail, being turned over to the custody of Jailer Harry Grafton, under Sheriff Tom M. Word.

My first act after reaching the County jail at Portland, was to telegraph to my brother and attorney, Lawrence F. Puter, at Eureka, Humboldt County, California, requesting him to come to Portland at once, as I wished to consult with him in regard to my future plans. Upon his arrival here, I immediately enlisted his services to proceed East and interview those with whom I had become involved in connection with State School lands with a view of arranging an amicable settlement of the difficulty later on, and which difficulty was the cause of my skipping to Boston in the first place to avoid arrest until settlement could be made or an understanding arrived at. This difficulty, I might state here, had no connection whatever with the land fraud trials in which the Government had secured my conviction. I make mention of this fact, simply to show that in escaping from Secret Service Agent Burns in Boston, it was not because of any fear on account of the Government's case, but because of what might result in the other matters, in event of my being arrested and taken into custody.

My brother made the trip East and was reasonably successful in his mission and upon his return, some three weeks later, he advised me to withdraw my motion for a new trial and to accept sentence and which, he stated, in his opinion, would be very light and not to exceed six or nine months, at the very outside, in the County jail. He thought this the best way out of the difficulty and that, if I should decide to follow his advice, sentence would be imposed immediately and it would not seem long, he reasoned, until my time had been served and I would then be free to engage in some legitimate pursuit which would enable me to square up old accounts with the Eastern people and begin life anew.

I accepted his judgment in the matter and on the following day, July 6th, 1906, I appeared before Hon. Charles E. Wolverton, U. S. Federal Judge for the District of Oregon, and was sentenced to confinement in the Multnomah County jail for a term of two years, and, in addition, that I was to pay a fine of $7,500. This sentence came as very much of a surprise to me, as I little expected

Robert L. Stevens, Sheriff of Multnomah County, Oregon to receive the maximum penalty of two years, as against that of Senator Mitchell of but six months, while my fine was placed at $7,500, as against $1,000, imposed on the Senator.

I could not understand, nor do I to this day, why this great difference, for while I am free to acknowledge that Senator Mitchell occupied an exalted position in the State and Nation; that he was possessed of more education and a brain of greater force and development than that to which I could lay claim, I could not but believe that if anything, he was the greater criminal of the two. This man, elected to one of the highest positions in the gift of the Nation by the representatives of the people at large in the State of Oregon, respected and honored alike both at home and abroad, an able lawyer and prince of diplomacy, and a man, who, in all truth, was actually worshipped by his constituents, had, as the people of his State and Nation know, been indicted, tried, and convicted by the fellow citizens of his own State, and that, too, of a similar crime to my own—conspiracy to defraud the Government out of a portion of its public lands, but which, in Senator Mitchell's case, was by far the greater offense of the two, as to him had been entrusted the power to participate in the making of the very laws which he afterwards saw fit to violate, while I, occupying only the position of a plain citizen, uncultured and virtually without education, aspiring merely for the commonplace things of life, ambitious only that I might be able to provide comfortably for my family and place my children in reach of an education, I must submit to longer imprisonment and to suffer the imposition of a seven fold greaer fine.

It is probably not proper for me to criticise the wisdom of the trial judges in passing the respective sentences, but I must admit, if judgment was correct in both instances, it is beyond my power of comprehension.

It is true, of course, that Mr. Heney agreed that I should not be prosecuted on any of the other indictments against me, provided I withdrew my motion for a new trial and accepted sentence, but even at that, it appeared to me, because of the valuable information I gave to the Government officials and which enabled them to secure indictments against Senator John H. Mitchell and others, I should not have been so severely dealt with. It was the "big men" that the Government was after anyway—men holding high official positions, and men who were supposed to know better and to govern their actions accordingly. Besides, it has always been customary, from time immemorial, to deal leniently with any one furnishing their State or Government with information which would result in securing convictions of the principals to a crime, or conspiracy to commit crime.

I had been confined something less than a month when Robert L. Stevens, the newly elected Sheriff, took charge of the institution. Upon assuming control of the Sheriff's office, Mr. Stevens appointed Geo. T. Mitchell as Jailer, he having officiated in a similar capacity under Sheriff William Fraser, whose office terminated some four years prior to Sheriff Stevens' induction into office.

I had served something like three or four weeks of my sentence under Sheriff Stevens' administration, when I learned that I was to be moved to other quarters in the jail, United States Marshal Reed having directed that I be accorded the best accommodations possible. I was thereupon transferred to a room by myself, which was ten feet wide by fourteen feet long and nine feet high, with cement walls, nicely kalsomined and a hardwood floor and double windows, each of which were two and one-half by five feet in size, facing the street on the east side of the building. This room possessed electric lights, besides hot and cold water and a toilet, with furniture consisting of a large square writing table and two comfortable chairs, which was afterwards supplemented by the addition of a typewriting machine and stand. The entire jail was steamheated.

Meals were served thrice daily excepting on Sundays, when luncheon was omitted. They were all remarkably wholesome, and compared very favorably with those obtainable at first-class local restaurants for fifty cents.

H. P. ("Dad") Hunter, jailer of the Multnomah County Jail, where Puter was confined

I might state here that of all my experiences with jail life—covered by my confinement in the Alameda City jail for four days, the Alameda County jail for twelve days, and my incarceration in the Multnomah County jail from June, 1906, to January 6, 1908—I consider the latter the best conducted institution of its kind I ever encountered. It may be added, however, that the treatment accorded me by Chief of Police Conrad during my brief stay as his guest, could not be surpassed. He certainly exercises a humane spirit in the conduct of the Alameda City jail, but naturally his facilities are inferior to those connected with the Portland institution.

Robert L. Stevens, the Sheriff of Multnomah County, is without doubt the right man in the right place. I had ample opportunity to study conditions during my long stay in his charge, and am in a position to state with every degree of sincerity that his management of affairs could hardly be improved upon. He is kind and courteous to all, and at the same time commands the respect and confidence of those in his keeping. He is a man of courage and high character, and I do not believe he has ever had a prisoner that has failed to take a personal pride in conducting himself in such a manner as to reflect credit upon Mr. Stevens' administration.

No sooner had he assumed the duties of his office, than he instituted a crusade against the accumulated filth of past administrations, with the result that every nook and corner of the establishment was thoroughly cleansed, the walls carefully whitewashed, the cells painted and all the sanitary conditions vastly improved. This in itself had a tendency to exercise a potent influence over those in confinement, seeming to inspire them with a desire to co-operate with the spirit of reform. In fact, upon the principle that "music hath charms to soothe the savage breast," I believe that any turbulent nature is more readily controlled in an atmosphere of refinement than under conditions that are liable to develop the baser instincts.

"Bob" Stevens exercises wonderful control over men, and this he accomplishes more through kindness than by any other process. There has never been any attempted jail-break during his term, and in my opinion there never will, because all the prisoners—among whom are some of the most desperate class of criminals—seem to feel that they would be violating a confidence by the commission of any act that would have a tendency to discredit the present Sheriff in public estimation. He rules with an iron hand through kindness, whereas, were he a brute, like too many who are given temporary control of human beings, there is no doubt he would be in constant hot water, as those in confinement are ever ready to go to any extreme in resenting ill-treatment.

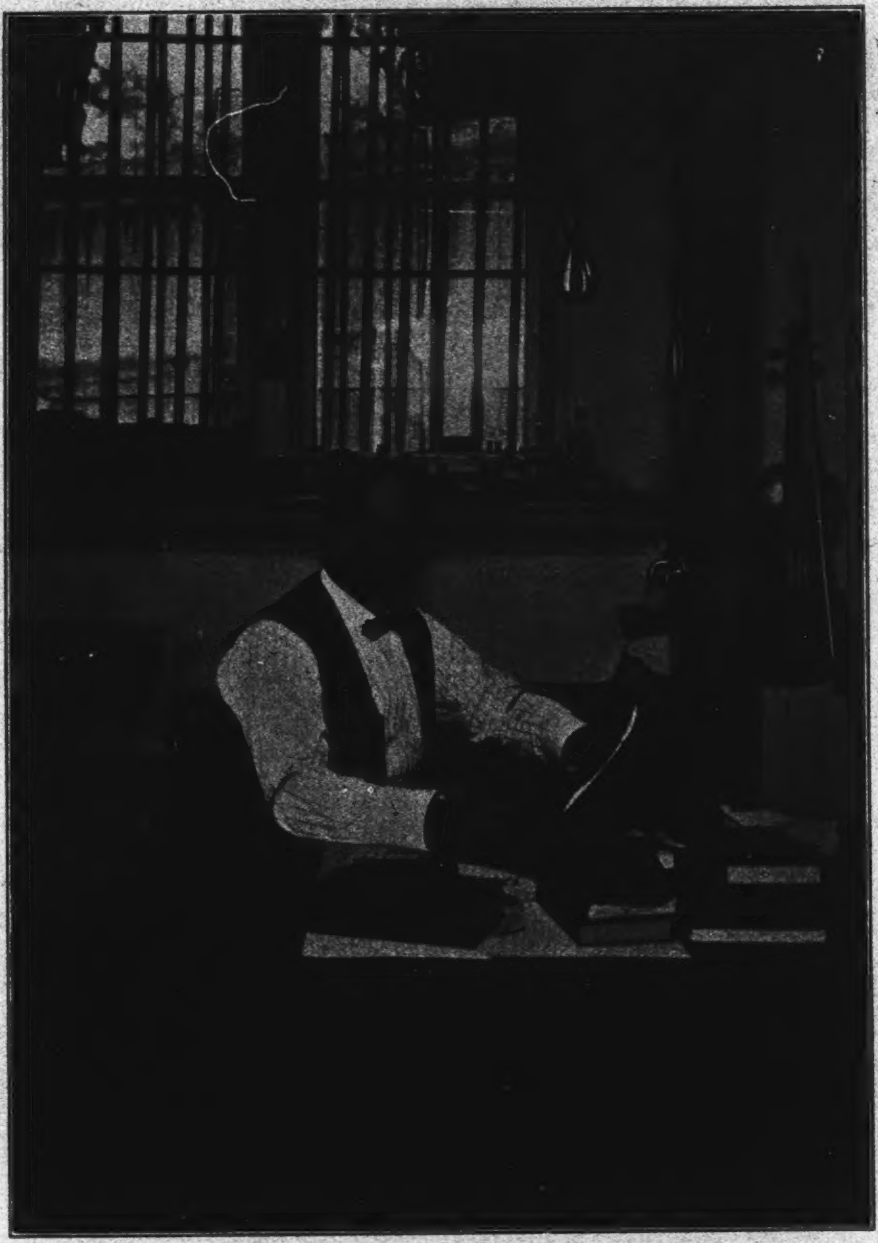
Sheriff Stevens' entire force is composed of men eminently qualified to fill their respective places. At the time of his election, he was identified with a prominent local bank, and brought with him to the Sheriff's office those business principles that had governed his career for years. It all goes to show that when it comes to conducting a public office of any kind, it is always better to place business men instead of politicians in charge.

During the summer of 1907, Jailer Mitchell resigned, and was succeeded temporarily by R. F. Beatty, who continued to hold the position until October of that year, when Sheriff Stevens appointed H. P. ("Dad") Hunter to the place. The Sheriff made a wise selection in this instance, as "Dad" is undoubtedly one of the best men that ever turned a key on a poor unfortunate. A giant in stature, and a tower of strength physically, with disposition congenial enough to correspond with his size, he is one of the most popular men I ever saw around an institution of this character. With it all, however, he maintains a strict enforcement of rules, and is certainly a valuable aid to the Sheriff in preserving discipline.

Frank Beatty also made a good Jailer during the brief period he held the position, but the close confinement proving irksome to one of his nature, at his own request he was transferred to field duty, where he has frequently distinguished himself in the clever capture of dangerous criminals.

Through the intercession of Francis J. Heney, President Roosevelt granted me a pardon on December 31, 1907, and it proved to be a very welcome New Year's gift, for, despite my pleasant surroundings, I was anxious to regain my liberty and take up the burdens of life on improved plans.

It is one of the ironies of fate that the official document containing the act of executive clemency reached me on January 6, 1908, and I walked forth a free man on my fifty-first birthday.



Puter at work in his cell, revealing the author in his customary attitude while engaged in preparing the manuscript

Chapter XIX

C. A. Smith, the multi-millionaire of Minneapolis, and candidate for the United States Senate from Minnesota, grows exceedingly "chesty" when he imagines Puter has joined the "Down and Out" Club on account of being a fugitive from justice, and gives a local newspaper a false interview concerning the land fraud king—The latter retaliates, and proves Smith to be not only the Premier Disciple of Ananias, but a Shylock of the first water and a miser of the deepest dye, behind whom the turnkey stalked with fiendish glee until the statute of limitations kindly came to his rescue.

AS for the thousands of acres of valuable timber lands in Linn, Douglas and Coos counties, Oregon, which C. A. Smith acquired fraudulently through Fred A. Kribs, his Pacific Coast representative, it is not at all unlikely that the Government will soon take steps to cancel the patents thereto, as Mr. Heney, while engaged in gathering the evidence upon which Senator Mitchell was convicted, also unearthed all the details relating to the illegal process by which these tracts were secured. In the event of the cancellation of the patents to these lands, title would revert to the Government, and they could be relocated under the timber and stone Act of June 3, 1878.

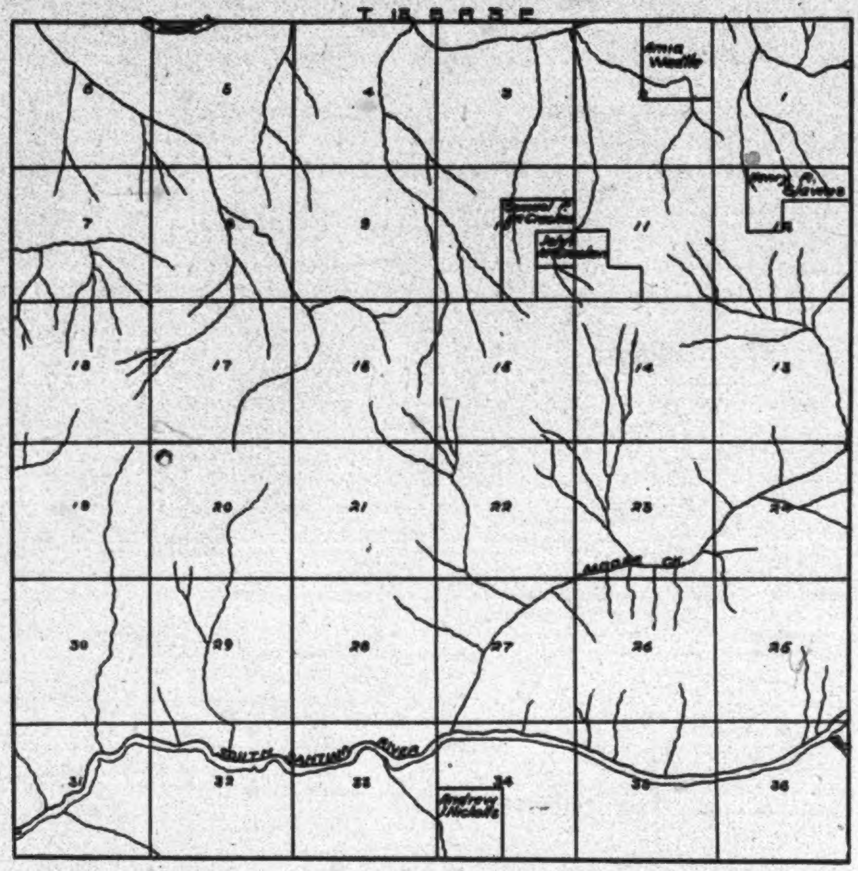
But of this immense wealth of timber that still hangs in the balance, I have said enough. There are other vast tracts which Smith has acquired just as illegitimately—located also in Linn, Douglas and Coos counties, Oregon—which includes thousands of acres of the finest timber lands in the Northwest. Some of this was taken up under the Timber and Stone Act, with the aid of "dummy" entrymen, just as those portions alluded to were obtained, while the balance was embraced in forest reserve lieu selections under the "Scripper" law of June 4, 1897.

It was Fred Kribs' "stand-in" with Register J. T. Bridges and Receiver J. H. Booth, of the Roseburg Land Office, that enabled him to get the inside track on all the good things that were known to be floating around promiscuously in that District, but it has been shown that this relationship proved the undoing of the Land Office officials, and drove poor Kribs into such a tight box that he was forced to peach on his friends in order to save his own bacon.

It is a well-known fact that night after night, when the Land Office was supposed to be closed to the general public, Kribs and the Register and Receiver, behind closed doors, were secretly engaged in preparing the scrip selections to be filed the following morning upon all the lands, or the greater portion of them, embraced in some township that had just been surveyed and become subject to entry. Kribs certainly had the long pull in that office, and having prepared his selections in advance, was in a position to shut out all competitors.

His plan contemplated the temporary blanket covering of the entire newly-surveyed township with forest reserve scrip until such a time as his cruisers had a chance to inspect each forty embraced therein, after which Kribs would withdraw his selections from the culled portions, kindly affording the common herd an opportunity to get hold of something he didn't want. In this respect his action reminds one of a person throwing a bone to a hungry canine.

Other courtesies extended Kribs by the local land office officials—who have since been deposed on account of these transactions—consisted in furnishing him with advance information concerning the cancellation of certain entries by the Department. This would give him a long lead in the race to relocate the tract, and it is plain to be seen how the "other fellow" would fare in his efforts to get hold of some of the rich pickings that were supposed to abound in that vicinity.



The foregoing plat of Township 13 South, Range 3 East, Linn County, Oregon, together with the one on the next page of 13-4, shows some of the fraudulent timber entries made in the interest of C. A. Smith through the Mealey Brothers. The entrymen were paid $50 each for their rights

Under the circumstances it is difficult to comprehend how such a vulnerable individual as C. A. Smith, for whom Kribs was at all times operating, should give expression to the sentiments attributed to him in the course of an interview with a Minneapolis newspaper man when it was first announced that I had been captured in Boston by Secret Service Agent Burns and had afterwards made my escape, as described fully heretofore.

I will be charitable enough to presume that he was not devoid of common sense, but, like Mays, when he refused to go on my bond, thought I was down and out, taking it for granted that because I was a fugitive from justice at the time, he could say what he pleased about me without fear of his lying statements being contradicted.

In the Minneapolis Journal of March 27, 1906, published on the afternoon of the day following my escape from Burns, Smith is quoted in this fashion:

PUTER "GOT TO" A LOCAL LUMBERMAN.

Man Who Made Sensational Gun-Play in Boston Remembered by C. A. Smith.

REMARKABLE CUNNING DECEIVED A LAWYER.

Thousands Lost in Timber Land Deals With Shrewd Puter, Admits Mr. Smith.

C. A. Smith, a Minneapolis lumberman, who has just returned from the Pacific Coast, figures he has lost between $150,000 and $200,000 as a result of his acquaintance and business deals with Stephen A. Douglas Puter, the fugitive from justice who escaped from a United States secret service officer at Boston yesterday by making a "gun-play" in the public street in front of the postoffice.

Mr. Smith considers himself a pretty good judge of human nature, but admits that he was completely taken in by Puter, whom he met in the city some six years ago. At that time, Puter called on Mr. Smith to offer for sale some Pacific Coast timber land.

"I will give Puter credit," said Mr. Smith today, "for being one of the smoothest individuals I ever met. He puts up a splendid front, has an unlimited amount of nerve, and is a shrewd business man—but apparently absolutely unscrupulous.

"'I look on most of these Pacific Coast men who want to sell timber tracts as crooks,' I said to my lawyer after drawing up a contract with Puter, 'but that man who has just left us I believe to be absolutely on the square.' 'I heartily agree with you,' replied my attorney. And so we were both taken in."

WORKED IT COMING AND GOING.

"The largest deal I had with Puter was for the purchase of some 30,000 acres of timber land on which he held options, located on the Pacific Coast. I was to pay him a flat figure an acre. It eventually turned out that he gave me clear title to the poorest lands, but those on which the best timber stood I never did get title to. In other transactions where he acted as my agent in direct purchase of land, I afterwards found he cheated me out of $30,000 or $40,000 in actual cash by reporting the prices he paid in excess of the actual figures.

"A year ago this month was the last time I ever saw Puter. He met me here in the Hotel Nicollet. 'I am in a position where I must have $2,000,' he said, 'and I want you to give it to me on account of deals which are still pending between us.' I was at that time looking up his crookedness, and although I suspected him, I had no proof. 'I can't let you have a single cent,' I replied. 'Why,' said Puter, 'I have just returned from Washington where I have done things to clear title to lands that would put me behind prison bars. You must give me $2,000!'"

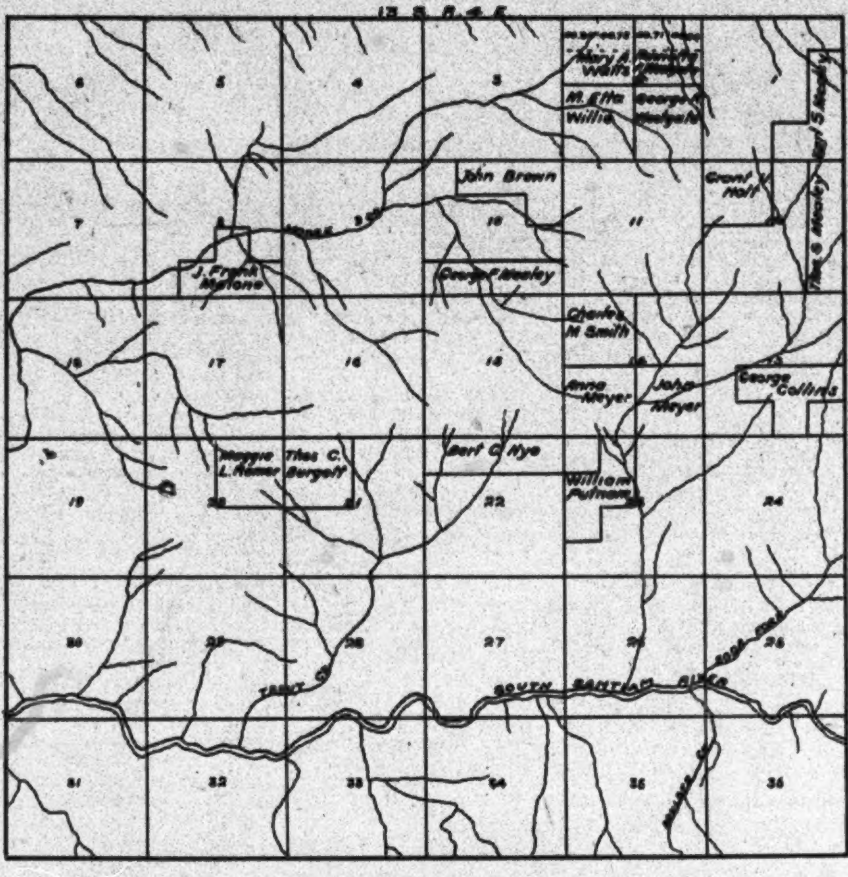
PUTER HERE RECENTLY.

"'I bought lands from you in good faith,' I replied, 'and without any trickery or dishonesty on my part. If you have been dishonest and have done wrong it is all your own doing, and none of mine.' He finally left me without getting any money, and I haven't seen him since. One of my men, however, told me he saw Puter in Minneapolis on the street about two months ago. I imagine the fellow has about got to the end of his rope. He has a family in Oakland, California.

"The fact that Puter is not only smooth, but a man of great nerve, is demonstrated by the way he escaped from the Government officer in the public streets of Boston; and I understand United States Marshal W. J. Burns, of Washington, D. C., is one of the cleverest men in the employ of the Federal Government."

If a person were to judge from the above, he would quite naturally conclude that C. A. Smith was somewhat of an angel without wings, and altogether too honest and sublime to engage in any shady transaction, or even become associated with one whose tendencies might be inclined that way.

But I wish to state for the benefit of all whom it may concern, that Smith is noted for just such outbursts of assumed holy righteousness whenever it suits his convenience to play the hypocrite, which is equivalent to saying that this is his normal condition. In this attitude he bears a striking resemblance to the jackass that arrayed itself in a lion's skin, and undertook to create a deep impression by its imaginary roar; and in this instance also the disguise is too apparent to deceive anybody or anything excepting his own egotistical instincts.


13 S. R. 4 E.
6
5
4
3
Mary A. Walls
M. Ella Willis
George A. Westgate
John Brown
Grant Holt
Thos. S. Mealey
7
10
11
J. Frank Malone
George Mealey
Charles M Smith
16
17
16
15
Anna Meyer
John Meyer
George Collins
Bert C. Nye
Maggie L. Hamer
Thos C. Burgoff
William Putnam
19
22
24
30
29
28
27
26
25
Trout Cr.
South Santiam River
31
32
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35
36

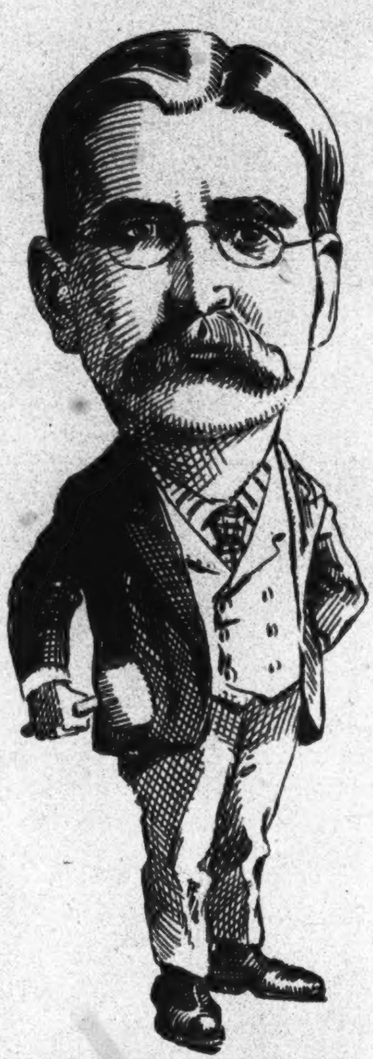
Plat of Township 13 South, Range 4 East, showing location of timber claim filed on by George A. Westgate, the newly appointed Surveyor-General for Oregon. The 18 quarter sections indicated above were filed on in the interest of C. A. Smith by the Mealey Brothers, the entrymen receiving $50 each for their claims

In my opinion, this man C. A. Smith, although possessed of millions, is, without question, the most selfish, covetous and avaricious landgrabber with whom I ever had dealings—ever ready and willing to do business with me when I had lands to offer that he knew had been obtained fraudulently, because, as he figured, he could get them cheaply, and in the hope of securing such lands at a figure less than one-half their market value.

On the other hand, whenever I had large tracts of land to offer that were acquired legitimately and of great value, he would invariably nose around in an effort to learn what there was in it for me, and whatever the value of the land, or how small my commission, he would spend more time than the difference in our estimates trying to get me to come to his terms.

Two deals in point were for lands in Humboldt county, California. The first, or that owned by Hooper Brothers, and known as the California Redwood Company, included in its holdings 12,000 acres of the very cream of that great lumber belt, with a shingle mill in operation, seven miles of railroad, locomotive and logging cars, together with full equipment, all of which I offered to Smith for $900,000, and on which amount he knew I was to receive a commission of five per cent. This "wiseacre" from Minnesota, who had worn the custom threadbare of making his own price, bucked right square in the harness when he found out how much it was going to cost him, even having the audacity to declare that he would purchase those lands before he got through for one-half the price named by me, and as for any commission—well, a few hundred, in Smith's hoggish way of thinking, was plenty good enough for me.

Mr. Smith, together with A. R. Rogers, vice-president of the C. A. Smith Lumber Company, Fred A. Kribs and Bert Davis, head cruiser of the corporation, had accompanied me to Humboldt county, where we made a personal investigation of the timber, railroad and other equipments included in the deal, after which we returned to San Francisco, where Mr. Smith called upon Hooper Brothers at their office, with a view of purchasing the tract. Smith talked the matter over for some time with the company, finding all the fault he could in the way of pointing out the difficulties of maintaining, manufacturing and disposing of the lumber, and finally made the Hoopers the liberal offer of $450,000 for the property, or exactly one-half the amount asked for the plant in the first place! One of the Hoopers later reprimanded me severely for bringing a person of Smith's calibre to their office and consuming his time with such a man, whom he termed a four-flusher, with no intent of making any purchase. Needless to state that Smith did not secure the lands, or any portion thereof. This valuable tract was sold later, and within two years, to the Santa Fe Railway Company for $1,500,000, or an advance of $600,000 over the price I offered them to Smith, and today these same lands could not be purchased, at a conservative estimate, for less than $3,500,000, from which it will be seen that, had he accepted my offer—made something like six years ago—he would now be richer to the extent of fully $2,000,000.



George A. Westgate, Senator Fulton's appointee as United States Surveyor-General for Oregon, from a sketch by Harry Murphy while Westgate was Chairman of the Republican State Central Committee in 1906

The other deal, involving the Vance properties, consisting of several thousand acres of redwood timber, a sawmill, shingle and shake mill, eighteen miles of broad-gauge railroad, with several miles of laterals, locomotives, logging cars and full equipment; a steamer and several lumber schooners, also including the Vance hotel in Eureka, and 1200 feet of waterfront, I offered to C. A. Smith as a whole for the lump sum of $1,000,000. At the time of making this offer to him, Mr. Vance had a prospective purchaser on the ground in the person of A. B. Hammond, who was very anxious to secure the properties. But as I had been given a thirty-day option, at which time he had expressed confidence in my ability to close the deal for him, and as I had gone to the expense of making a trip to Minneapolis, bringing Smith back with me, and he was then in San Francisco, but expected to reach Eureka in a few days, Mr. Hammond was unable to get a hearing.

When I learned of Hammond's presence, I lost no time in calling Smith up by 'phone, advising him that my option would expire within two days, but that Mr. Vance had expressed a willingness to grant a few days' grace, providing Smith would come to Eureka on the first steamer. I likewise notified him of Hammond's presence, and pointed out the eagerness displayed by the latter in seeking to get hold of the property. In fact, we discussed the matter for something more than an hour on the long-distance telephone, and after explaining all the details, I felt convinced that Smith would at least comply with my expressed wish and come to Eureka on the first boat. He wound up our conversation, however, by telling me that it would be impossible for him to do so just then, but that he would come up within a week or so.

When I hung up the receiver, I was thoroughly disgusted with Smith. I knew, as a matter of fact, that he wanted those lands, and I had full faith that a sale would be consummated if he could be induced to make the trip without delay, as he had been there that summer, and had also inspected these lands the summer before, at which time he made purchases of adjoining tracts, and their value was well-known to him.

But Smith was proceeding on the theory that both Edward Vance and myself would eventually come to his terms, and in order to force this condition, he determined to hold off for the time being, and keep Vance on a string. Besides, my proposition to him involved the investment of $1,000,000—a whole lot of money, and his egotism led him to assume that he was the only man in the country who could swing such an amount.

He had reckoned without his host, however, when he ran up against Hammond, as the latter had almost unlimited financial backing, and was quick on the trigger when he caught sight of a good thing.

Disgusted beyond measure at Smith's arbitrary policy in handling the deal, I went to Vance the next morning and explained the whole situation to him, with the result that all negotiations with Smith were terminated at once, and Hammond became the purchaser at the price indicated, depositing $100,000 to bind the bargain before leaving Eureka.

This transaction took place in 1902, and the same property today is easily worth $10,000,000. It might be well to state, however, in justice to this estimate, that about $400,000 has since been expended in betterments, but as $10,000,000 is a conservative estimate of the present value, the margin of profit is not seriously affected. No sooner had I apprised Smith over the 'phone that Vance had closed with Hammond, than he started at once for Eureka, and as soon as he got there, he pitched into me as a balm for his chagrin in getting left. Nothing could illustrate the nature of the man more aptly than this episode. I was made the bumper for all his woes, and his moral calibre was of too insignificant bore to take any of the blame. I was a big loser by the operation, as well as himself, because I was not only minus my commission, but was also out considerable money expended in going to Minneapolis in the effort to induce Smith to come to the Coast, not a cent of which I ever got back.

About the time that Smith secured the thirty-three claims in township 14 south, ranges 3 and 4 east, described in a former chapter, I prevailed upon him to visit Humboldt county, California, with a view of interesting him in a tract of redwood there. This was his first trip to that region, and when he saw the magnificent timber, he became so highly elated that he insisted upon my getting hold of some of it for him. I already held an option on 7,000 acres, and told Smith that I could probably secure between 25,000 and 30,000 acres more, which would cost him less than $10 an acre. He purchased the 7,000-acre tract forthwith, and instructed me to obtain options on the balance as soon as possible.

Logging train at Freshwater, Humboldt County, California, on property belonging to the Hooper Brothers, offered to Smith by Puter for $900,000

Within ninety days I had corralled 17,000 acres for him, in this way, at an average cost of $8.75 an acre, all of which adjoined his other purchase. He was sojourning in Portland at the time, and after I had secured the options on the 17,000 acres, I went there and explained matters to him. Smith agreed to take the lands, drawing up a contract to the effect that he would advance $8 an acre upon receipt of a deed to each 160-acre claim, together with an abstract showing perfect title in his name.

It was agreed further that his own cruisers should estimate the standing timber thereon, and that all claims found unsatisfactory should revert to me. Those coming up to the standard he was to accept, at $9.50 an acre, the extra $1.50 an acre to be paid upon completion of the contract. The latter was executed in duplicate by Smith and myself, each retaining a copy. He thereupon went with me to Humboldt county, where he deposited $100,000 in the Bank of Eureka, to be expended in fulfilling the provisions of the contract. He also left instructions with the bank to draw upon him for any amount sufficient to meet all deficiencies.

During the summer of 1901, while the transfers were being made to Smith, he visited Eureka again, and while there entered into an oral agreement with me, by which it was stipulated that I should secure all the available lands in the vicinity of those contracted for, upon which I was to receive a commission of fifty cents an acre. In other words, I was to purchase the lands at the lowest possible figure, and he was to allow me this fifty cents an acre as a bonus. Settlement, however, was not to be made with me until after he had acquired a perfect title to the entire 17,000 acres.

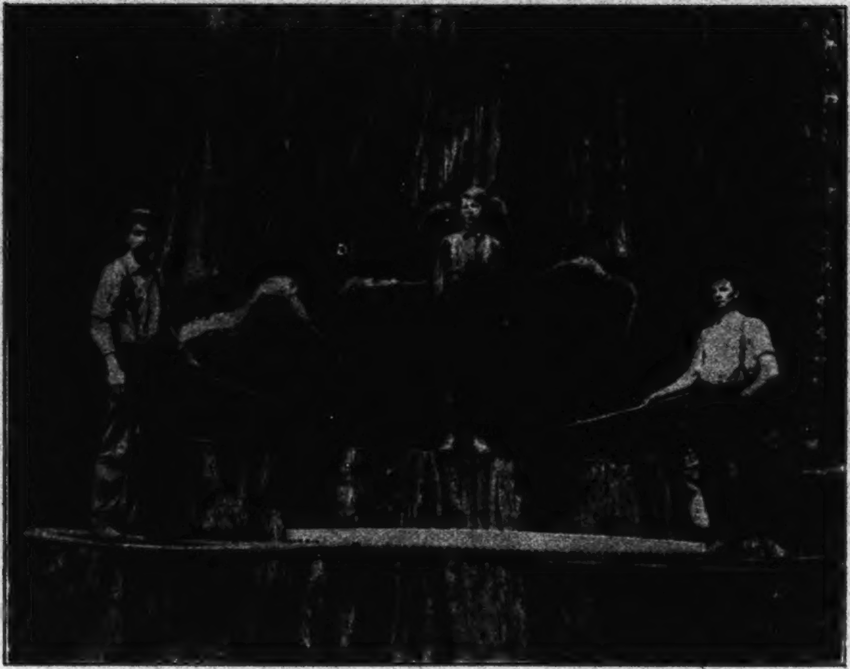
I purchased 10,000 acres under this oral arrangement, and 13,500 acres under the first or written contract. My failure to secure the full quota of 17,000 acres for him, in accordance with the provisions of the written contract, was on account of several of those upon whom I relied selling out at a much higher figure to somebody else. As I was personally acquainted with those who had given options, and had the utmost confidence in their integrity, I had not insisted upon reducing the options to writing, and when they sold to others, I was without recourse, and consequently unable to deliver the lands.

It will be observed that under the terms of the written contract, I had stipulated to deliver approximately 17,000 acres to him. It will likewise be noted that I fell 3,500 acres short of this quantity. This shortage was not caused wholly by the failure of some of the owners to live up to their verbal agreements with me, but in part was on account of some of the tracts having defective title, and I knew it would be useless to undertake to cure them.

Realizing the utter impossibility of securing a sufficient amount of land to make up the 17,000 acres, and knowing that Smith had cruised the entire tract I had given him, I called upon him in Minneapolis for the purpose of effecting a settlement.

This he was apparently willing to do, but insisted that it should be "according to written contract." It dawned upon me then that he was playing a hold-up game with me, and that unless I was able to produce the required 3,500 acres, I would probably experience more or less difficulty in getting anything. After remaining in Minneapolis about three days, and perceiving the futility of staying any longer, I returned to Eureka and sought my brother's legal advice in the matter. Upon examining the written contract, I was assured that Smith had all the best of it, and for me to make the best settlement with him I could.

I thereupon proceeded to Portland, Oregon, where I called upon Fred A. Kribs, who informed me that he was in receipt of a wire from Senator Mitchell, in Washington, D. C., to the effect that patents were about to issue on the thirty-three fraudulent claims in township 14 south, ranges 3 and 4 east. This gave me an idea, and I lost no time in letting Kribs know that it was my intention to go to Washington immediately and file a protest against the issuance of patents on the claims, and have them held in abeyance until such time as Smith was willing to do right by me in connection with the Humboldt county lands. I declared that



Sample of redwood timber on the Vance property in Humboldt County, California

unless fair treatment was accorded me in the matter, that I would have the entire thirty-three entries cancelled. Kribs advised me not to proceed to Washington without seeing Smith first, stating that he would write him immediately to settle with me. As F. Pierce Mays was on the same train with me bound for Washington City, I accompanied him as far as Minneapolis. While enroute, I explained the Smith deal to Mays, stating that it was my intention to stop off at Minneapolis and endeavor to settle with Smith, and suggested to Mays that it would be a good idea for him to see Commissioner Hermann as soon as he arrived in Washington, and prevail upon the latter to suspend the issuance of patents to these lands until such time as I made a settlement with Smith. Mays promised to see the Commissioner immediately upon arrival in Washington, and have Mr. Hermann hold up the patents until Mays could hear from me.

Evidently, Kribs must have wired Smith to keep out of my way in Minneapolis until he would receive a letter, acquainting him with the facts. Smith managed to evade me until the evening following my arrival in Minneapolis, and might have kept out of my sight still longer had I not called upon him at his residence, where I made an appointment to meet him the next morning at his office. Here I found him willing to settle with me but upon a basis that would have left me without a penny for my work. We held quite a heated discussion on the subject, Smith insisting on maintaining a position that made me feel as if I were under deep obligations to him for retaining any portion of my scalp at all. He would not, for a moment, take into consideration the admitted fact that he had made a most excellent investment through me in connection with the Humboldt county lands, but like Shylock, insisted upon his pound of flesh.

It was not what he had already made through me that was worrying him; it was what he expected to gain, and this reflection was liable at any moment to produce serious results in the vicinity of his cardiac region. He argued, therefore, that I should be only too glad to relinquish all claim to my commission on the "written contract" lands, amounting to $12,500, together with that on those embraced in the "oral contract," aggregating $5,000 more, or a total of $17,500. All this money, according to the Smithsonian idea of equity, I should be overjoyed to part with on condition that he reimburse me for the amount I had already expended in securing the options under the "written contract," amounting to $10,467.45.

Smith's conditions, under which I might again enjoy possession of my own, were not to my liking, but having in mind the advice given me by my brother, when he pointed out that Smith had a legal right to insist upon my securing an additional 3,500 acres for him, whatever the cost might be, and because of the fact that I had an opportunity for immediate investment of the money where the returns were almost certain to more than compensate me for all losses by this transaction, I decided that it would be the part of good judgment to accede to his terms, although I did not then let Smith know my intentions.

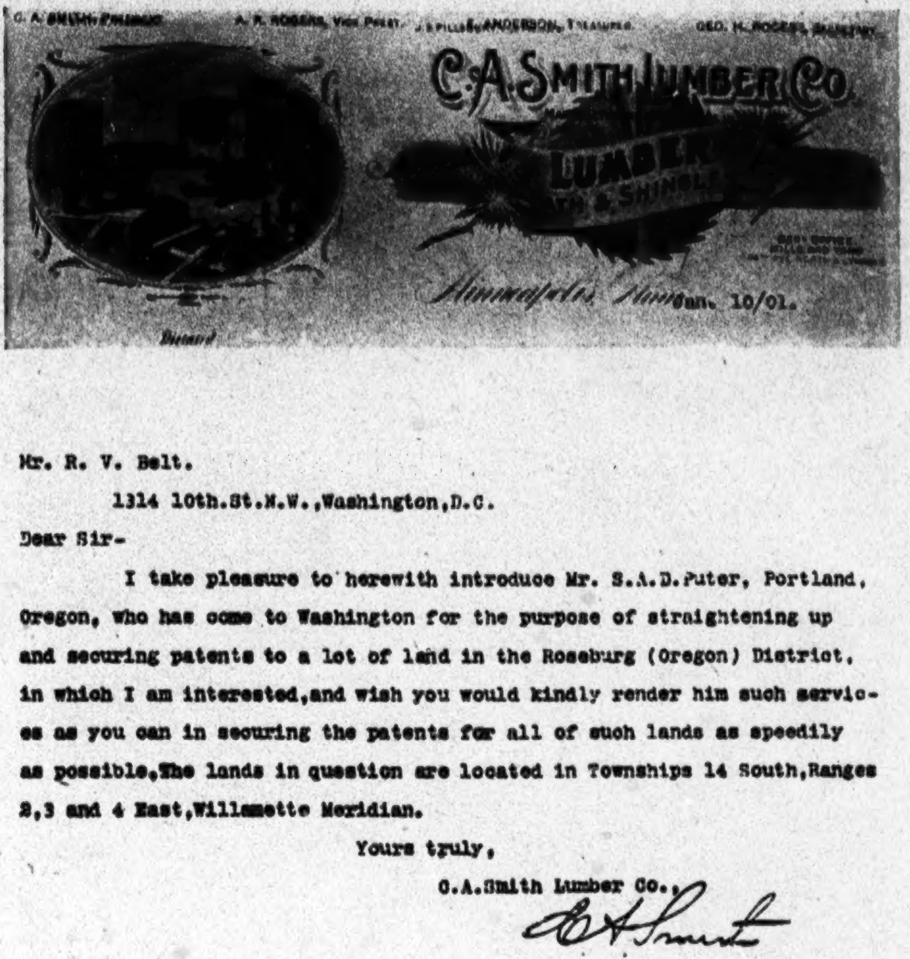
My object in discussing the matter with him at that time was to point out the extent of his gain in his dealings with me. In this I succeeded, but not so fully as desired. I likewise called his attention to the absurdity of the idea that I could conform strictly to my obligations in regard to furnishing him with the lacking 3,500 acres, as the larger portion of the lands I expected to secure for him, embraced in the claims constituting the shortage, had been sold to some millionaire lumbermen of Marrenette, Wisconsin, at prices ranging from $15 to $17 an acre, while I had planned to get them for Smith at $9.50 an acre. These same lumbermen refused $50 per acre immediately after purchase. All this he well knew, but it was my object in presenting the facts to him anew in order to show the impossibility of fulfilling my agreement with him.

Notwithstanding my arguments, he insisted that our settlement should be upon the basis of his own ideas, so I informed him that my books indicated that he owed me $10,467.45 for securing the options for him. These figures were disputed by Smith, but he was willing that I should go over the account with Charles Trabert, his private secretary.

Two days were consumed in adjusting the account, and when the task was completed, it was found that Smith owed me $54 more than I had asked him to pay. It is noteworthy that when the situation dawned upon him, he hastened to accept my original statement of account.

Before reaching a final settlement, I suggested that inasmuch as we had waived my claim to any fifty cents an acre commission, it was no more than right that he should also reimburse me for all my personal expenses involved in the deal, amounting to more than $2,000, and including several trips East; something over a dozen different trips to Humboldt county, California, and livery hire, covering a period of more than a year, all of which had been devoted to Smith's interests.

As usual, he declined to consider the proposition, but at this juncture I had the good fortune to meet his friend, J. A. Bohn, of Minneapolis, to whom I related all the circumstances connected with the matter. Bohn had been a witness to the amended "written contract," and was familiar with all the details. He lost no time in telephoning to Smith, requesting him to call at his office, and upon his arrival pleaded my cause with such earnest effect that Smith finally—although with great reluctance—yielded up his check for $1,000. This amount represents all the money I ever received from C. A. Smith in the shape of compensation of any sort for getting him 30,000 acres of valuable redwood timber lands in Humboldt county, at a net cost to him of $9 an acre, after he had bamboozled me out of my fifty cents an acre commission; and just how he figures out that he has lost "between $150,000 and $200,000" in his operations with me is more than I can comprehend, and I should feel greatly elated if he would undertake to explain his system of calculation under oath, in order to show the public where he would land



C. A. SMITH, PRESIDENT A. R. ROGERS, VICE PRES'T. [illegible] ANDERSON, TREASURER GEO. H. ROGERS, SECRETARY

C. A. SMITH LUMBER CO.

LUMBER LATH & SHINGLES

Minneapolis, Minn Jan. 10/01.

Mr. R. V. Belt.

1314 10th.St.N.W.,Washington,D.C.

Dear Sir-

I take pleasure to herewith introduce Mr. S.A.D.Puter, Portland, Oregon, who has come to Washington for the purpose of straightening up and securing patents to a lot of land in the Roseburg (Oregon) District, in which I am interested,and wish you would kindly render him such services as you can in securing the patents for all of such lands as speedily as possible.The lands in question are located in Townships 14 South,Ranges 2,3 and 4 East,Willamette Meridian.

Yours truly,

C.A.Smith Lumber Co.,

C A Smith

After Puter's escape from Secret Service Agent Burns in Boston on the night of March 26th, 1906, C. A. Smith sought to make himself "solid" with the Government by disclaiming any connection with the "King of the Land Fraud Ring." In an interview with a Minneapolis newspaper the next day, he declared that he had bought lands from Puter in good faith without knowing anything about the fraudulent character of the titles. If any question exists as to the close relationship between Smith and Puter in regard to the fraudulent entries in Township 14 South, Ranges 2-3-4 East, full particulars of which are furnished in a preceding chapter, this letter of introduction given Puter by Smith to a prominent attorney of Washington, D. C., will probably have a tendency to remove all such doubt.

and where he would not be protected by the statute of limitations as in the case of his other steals. This same land is today worth between $75 and $100 an acre, some of it being conservatively estimated at $150 an acre, and has proven an exceptionally good investment, especially in view of the fact that the title has been vested in Smith less than six years.

After giving me his check for the $1,000, I accompanied him to the office of the C. A. Smith Lumber Company, in Minneapolis, where I supposed he would further gladden my heart by forking over the $10,467.45, as agreed upon. Instead, he tendered me what might be considered a due bill, a photographic copy of which has been produced heretofore.

It will be seen from the foregoing that Smith agreed to pay me the amount named, as per a certain contract, which was a modification of the original "written contract," and in which there was a clause to the effect that I was to receive only the actual cost (amount paid to secure options) of said lands to me, the same to be paid when title thereto and "other lands in Oregon" was perfected.

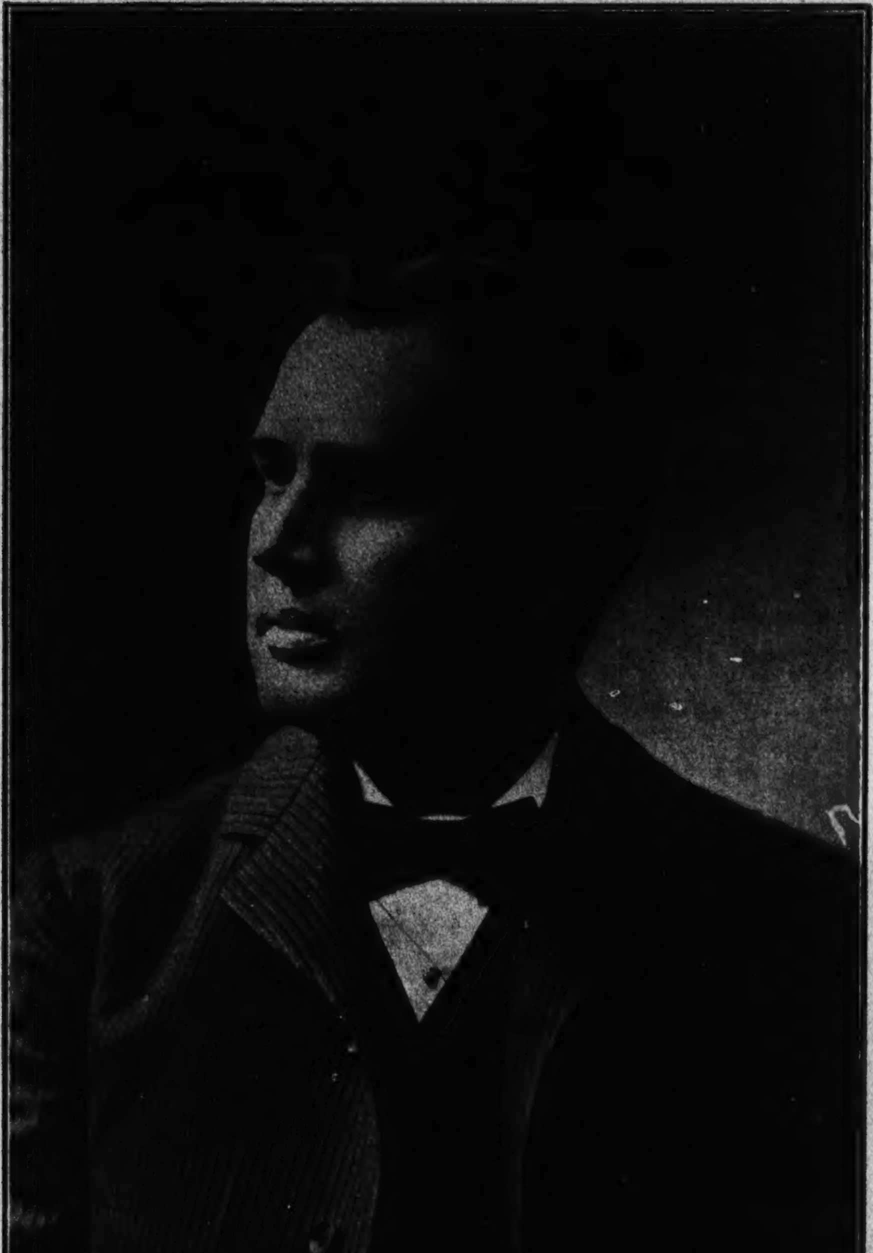
I hesitated at first to accept this due bill, but having been advised by telegraph from my brother that title to all the California lands had been perfected, and according to a wire that had just come to him from Washington, twenty-two of the thirty-three patents to the Linn county, Oregon, tracts had been issued, and the balance were being written up, I concluded that it would be only a matter of a few days when I could collect on the paper, so decided to accept it. I thereupon advised Mays by wire at Washington, D. C., to the effect that settlement having been made with Smith, it would be unnecessary for him to take further action in the direction of holding up the patents.

After finishing with Smith, I informed him that I had business in Michigan, and would return in about two weeks, at which time I expected the patents would have issued, and I could stop off on my way West and exchange his paper for the cash. On the date designated, I returned to Minneapolis and called upon Smith, who informed me that notice had been received to the effect that title had been perfected to all Humboldt county lands, but that one patent was hanging fire on a Linn county, Oregon timber entry. This represented the Josephine Jacobs claim, which will be remembered as the Waterloo of Allie Houser.

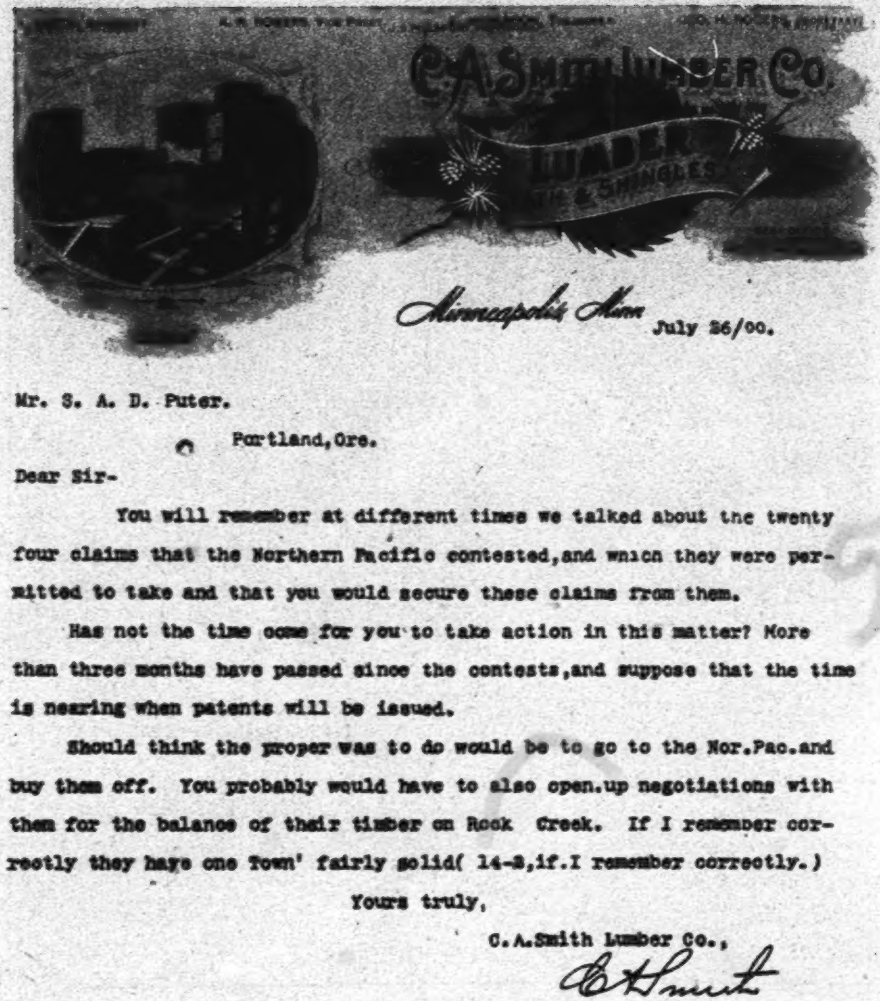
I was considerably surprised when Smith told me about the holding up of the patent to the Josephine Jacobs claim, but as patents to all the others had been issued, and this was the only one concerning which there could be any question between us, I offered to accept settlement upon the basis of a deduction of $800, which represented the amount Smith had paid me for it, until such time as the patent was granted, when he could reimburse me accordingly.

At the time of learning about the Josephine Jacobs claim being held up, I had no knowledge of the cause, and naturally concluded that it was due to some clerical error, and in making my proposition to Smith, that he retain the $800, which I had already paid for the claim, I could not but believe that the offer was fair, and would be just and equitable to all parties concerned. I also offered to pay Smith interest on the sum in question from the date of investment, if he saw fit to demand it, but he refused to entertain any proposition other than that I should await the granting of this particular patent before I could have a cent of the money which already belonged to me, and which I had expended for his personal benefit.

Seeing that I could do nothing with him, I returned to Oregon, and lost no time in calling upon Fred A. Kribs, his agent there, who informed me that the Josephine Jacobs claim had been suspended on account of the young woman being under age at the time she filed on the land. I thereupon told Kribs that I would have somebody else locate it in Smith's interest, afterward transferring the title to him, but Kribs insisted that he would have John Givens, of Roseburg, attend to it for me, so it was agreed between us that I would stand for any additional expense that might arise, to the extent of $150 which Kribs said it would all amount to.



C. A. Smith, the millionaire lumberman of Minneapolis, Minn., upon whom has fallen Puter's mantle as "King of the Oregon Land Fraud Ring"



C.A. Smith Lumber Co.
Lumber
Lath & Shingles

Minneapolis Minn July 26/00.

Mr. S. A. D. Puter.

Portland, Ore.

Dear Sir-

You will remember at different times we talked about the twenty four claims that the Northern Pacific contested, and which they were permitted to take and that you would secure these claims from them.

Has not the time come for you to take action in this matter? More than three months have passed since the contests, and suppose that the time is nearing when patents will be issued.

Should think the proper was to do would be to go to the Nor.Pac. and buy them off. You probably would have to also open up negotiations with them for the balance of their timber on Rock Creek. If I remember correctly they have one Town' fairly solid(14-3, if I remember correctly.)

Yours truly,

C.A.Smith Lumber Co.,

C A Smith

At the time of the compromise between Puter and the Northern Pacific in connection with the contests concerning the 57 entries in Tp. 14 S., R. 2-3-4 E., particulars of which are given in Chapter 3, the railway corporation agreed to sell the twenty-four claims that fell to it at a reasonable figure, and this was what Smith had reference to when he wrote the foregoing. His letter, in fact, was a gentle reminder for Puter to get busy.

"Bull donkey" in operation at the landing on the Vance property in Humboldt County, California. The logs are hauled two miles from the timber by process of steel cables, and then transported by logging train to the sawmill at Eureka, 20 miles distant

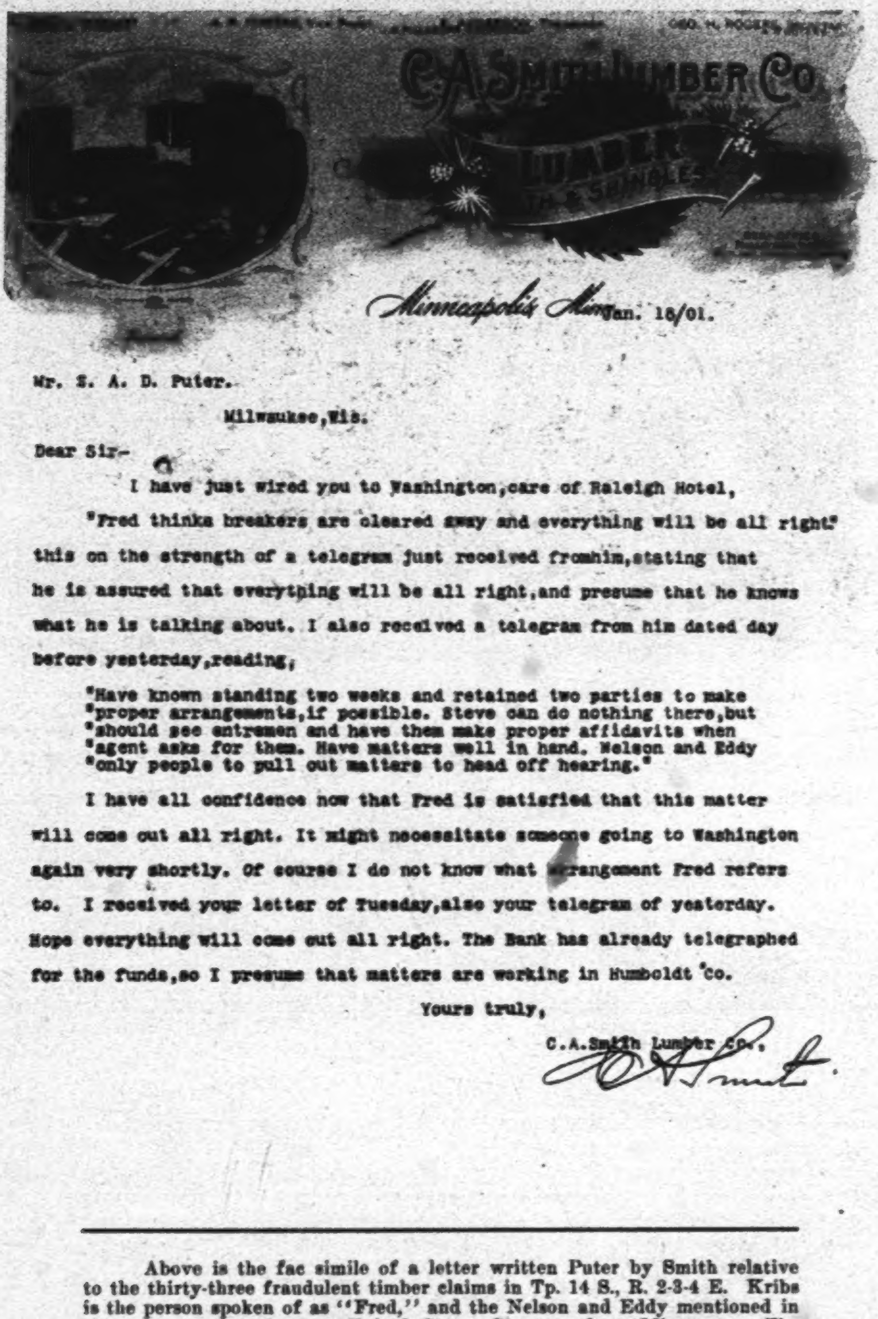
Givens was then notified of conditions, and made arrangements with Allie Houser to file upon the claim, which was deeded over to Smith immediately after the final proof had been made.

About three months later I decided to call upon Smith once more, this time explaining to him all the particulars connected with the Allie Houser substitution, but he was as obstinate as ever, and declared that he would not deal with me upon any basis whatever until the last patent was in his hands.

I then offered to accept $8,000 in cash, allowing him to retain the $2,467.45 until the issuance of the Allie Houser patent, when he could deduct also the $150 extra that was paid out by Kribs, but he likewise scorned this proposition, according me the same cold-blooded turn-down I had received in all my efforts to effect a legitimate settlement with him.

It is evident from Smith's demeanor that he was then preparing to swindle me out of my just dues, or planning in some way to keep me out of my money indefinitely. The Allie Houser claim had just been filed, and in the natural order of things, no patent could issue for months to come, and if necessary to carry out his scheme of deferring payment, he could take advantage of the situation to prevent the issuance of patent indefinitely, as under the terms of our agreement, he was not obliged to pay any part of the amount coming to me until after final title had issued to all the lands involved.

I thereupon returned to Eureka, Cal., and instructed my brother to immediately bring an action against Smith for the recovery of my money. A few months later, learning that he was in San Francisco, I notified my brother, and through Attorney Frank J. McGowan, of San Francisco, we succeeded



GEO. H. ROGERS, SEC'Y

C. A. SMITH LUMBER CO.

LUMBER

LATH & SHINGLES

Minneapolis Minn. Jan. 16/01.

Mr. S. A. D. Puter.

Milwaukee, Wis.

Dear Sir-

I have just wired you to Washington, care of Raleigh Hotel,

"Fred thinks breakers are cleared away and everything will be all right" this on the strength of a telegram just received fromhim, stating that he is assured that everything will be all right, and presume that he knows what he is talking about. I also received a telegram from him dated day before yesterday, reading,

> "Have known standing two weeks and retained two parties to make "proper arrangements, if possible. Steve can do nothing there, but "should see entremen and have them make proper affidavits when "agent asks for them. Have matters well in hand. Nelson and Eddy "only people to pull out matters to head off hearing."

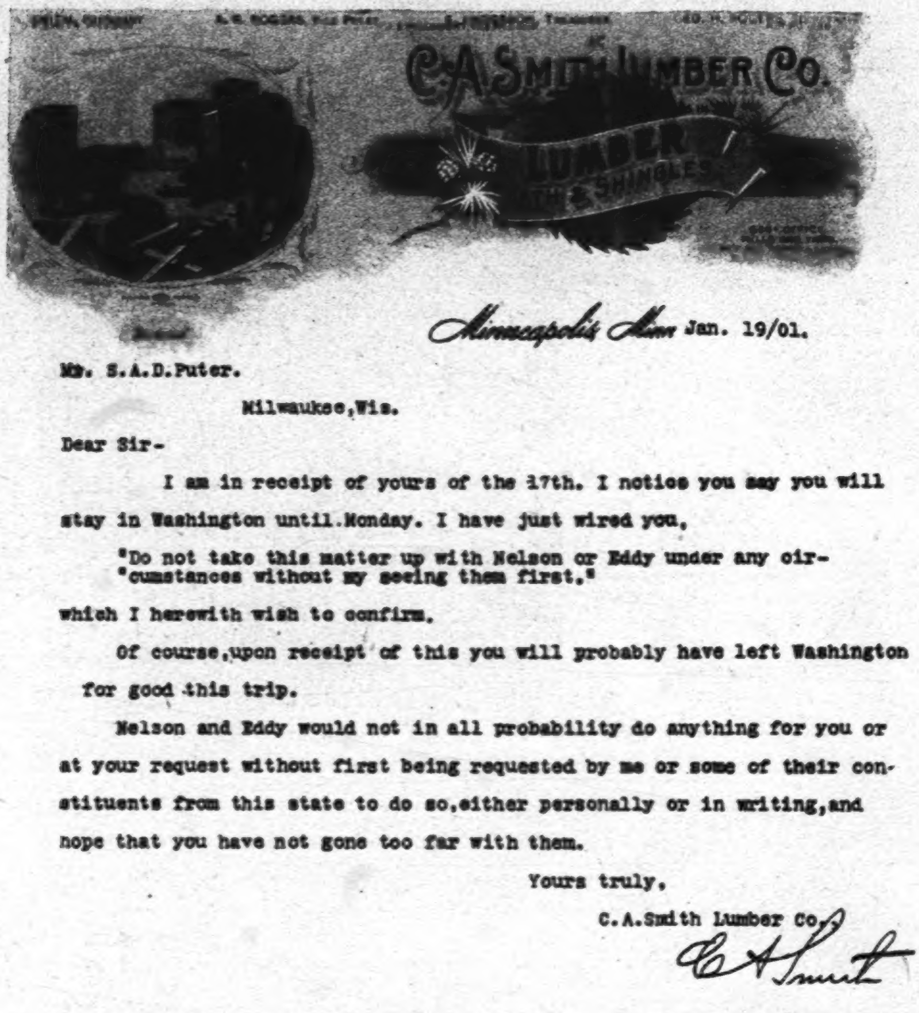
I have all confidence now that Fred is satisfied that this matter will come out all right. It might necessitate someone going to Washington again very shortly. Of course I do not know what arrangement Fred refers to. I received your letter of Tuesday, also your telegram of yesterday. Hope everything will come out all right. The Bank has already telegraphed for the funds, so I presume that matters are working in Humboldt Co.

Yours truly,

C.A.Smith Lumber Co.,

C. A. Smith

Above is the fac simile of a letter written Puter by Smith relative to the thirty-three fraudulent timber claims in Tp. 14 S., R. 2-3-4 E. Kribs is the person spoken of as "Fred," and the Nelson and Eddy mentioned in the telegram are the two United States Senators from Minnesota. The "two parties" alluded to by Kribs were Special Agents Stratford and Wilson, whose "proper arrangements" consisted in securing false affidavits from as many of the entrymen as possible.



C. A. SMITH LUMBER CO.

LUMBER LATH & SHINGLES

Minneapolis Minn Jan. 19/01.

Mr. S.A.D.Puter.

Milwaukee,Wis.

Dear Sir-

I am in receipt of yours of the 17th. I notice you say you will stay in Washington until Monday. I have just wired you,

"Do not take this matter up with Nelson or Eddy under any cir-
"cumstances without my seeing them first."

which I herewith wish to confirm.

Of course,upon receipt of this you will probably have left Washington for good this trip.

Nelson and Eddy would not in all probability do anything for you or at your request without first being requested by me or some of their constituents from this state to do so,either personally or in writing,and hope that you have not gone too far with them.

Yours truly,

C.A.Smith Lumber Co.

C A Smith

Shortly before the above letter was written, Smith had advised Puter, who was preparing to go to Washington, D. C., from Minneapolis, to call on United States Senators Nelson and Eddy, of Minnesota, with a view of getting them to assist in having the patents expedited to the entries in Township 14 S., Ranges 2-3-4 E. The telegram received by Smith from Kribs, as shown on the opposite page, had changed the complexion of things, however, hence Smith preferred to see the two Senators personally, as he recognized that they were the only ones who could render any material assistance in the matter, and was afraid to take chances on anybody else acting as his agent.

in securing personal service of the complaint upon the Minneapolis millionaire lumberman, who was stopping at the St. Francis hotel without registering on purpose to prevent me from obtaining a legal hold upon my own money. As a bluff, he made answer through counsel, at the same time filing a cross-complaint, in the effort to prolong the proceedings as much as possible and eventually beat me out of the money altogether.

How I finally scared the rascal into submission is fully described in a preceding chapter, and I leave my readers to judge for themselves whether or not I was justified in adopting such stringent measures, and also the extent of Smith's alleged "losses" in his dealings with me, as referred to in the course of his false statement to the Minneapolis Journal.

As a matter of fact, Smith has been involved with the Government upon numerous occasions, running through a long course of years, on account of his covetous proclivities, and he seems to be imbued with shoplifting instincts wherever the public lands or timber are concerned. He has been fined repeatedly for his offenses throughout the States of Minnesota, Wisconsin and Michigan, and has upon more than one occasion undertaken to make scapegoats out of some unfortunate employes instead of shouldering the blame himself, as any honorable man should.

The Sequoia's last stand

While the Government found it inexpedient to indict Smith on account of his connection with the Oregon land frauds, by reason of the statute of limitations running against the crimes, he failed to escape that easily in Minnesota, although it does not appear that his illegal operations in the Middle West were any comparison to what he was guilty of in Oregon. There is presented on page 313 the record of an indictment that was returned against Smith by the Federal Grand Jury at St. Paul, Minn., in 1901.

Some sort of settlement was arranged with the Government by Smith, in connection with this indictment, whereby he paid all costs and hushed the matter up with as little publicity as possible.

Shortly after I first became acquainted with him, on his invitation, I accompanied Smith to St. Paul, where there was a case pending in the Federal Court against him for cutting green timber on an Indian reservation, where his permit called for the cutting of "down" or "dead" timber only. He was represented by leading counsels of Minneapolis and St. Paul in this case, which had been pending against him for several years. A verdict for a large amount—somewhere in the neighborhood of $50,000 or $60,000—was returned against Smith, which he promptly paid, remarking at the same time to friends that he was

No. 2855.

DISTRICT COURT OF THE UNITED STATES.

THE UNITED STATES,
vs. Indictment, Sec. 2461, R. S.
CHARLES A. SMITH.

A TRUE BILL.

(Signed) ELMER E. ADAMS,
Foreman.

Filed May 16th, 1901.
ROBERT G. EVANS,
U. S. Attorney.

UNITED STATES OF AMERICA, }
} ss:
5TH DIV. DISTRICT OF MINNESOTA. }

In the District Court of the United States, in and for the Division and District aforesaid, at the May Term thereof, A. D. 1901.

The Grand Jurors of the United States, impaneled, sworn, and charged at the Term aforesaid, of the Court aforesaid, on their oath present, that heretofore, to-wit: on the 31st day of January, A. D. 1899, in the County of Cass, in the State and District of Minnesota, and within the jurisdiction of this court, one Charles A. Smith, late of said district, then and there being, did wrongfully and unlawfully cut from and cause and procure to be cut from and remove, and cause and procure to be removed from certain lands then and there owned by and the property of the United States of America, which said lands are discribed as follows, to-wit:

Lot 5, Section 8, Township 137, North, Range 30 West, the Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter, and the Southeast Quarter of Section 8, Township 137 North, Range 30 West, said lands being then and there situate in said County of Cass, in the State and District of Minnesota, a large number of white pine and Norway trees, to-wit: 10 white pine trees from said Lot 5, Section 8, Township 137 N. Range 30 West, 89 Norway pine trees from the Southwest Quarter of the Northwest Quarter of Section 8, Township 137 North, Range 30 West, 84 Norway pine trees from the Northwest Quarter of the Southwest Quarter of Section 8, Township 137 North, Range 30 West, 87 Norway pine trees from the Southwest Quarter of the Southwest Quarter of Section 8, Township 137 North, Range 30 West, and 500 Norway pine trees from the Southeast quarter of said Section 8, in Township 137 North, Range 30 West, which said trees were of the aggregate value of Five Hundred and Seventy-Seven Dollars and Fifty Cents ($577.50), all of which said trees were then and there growing upon the land hereinbefore described, with the intent then and there had and entertained by him, the said Charles A. Smith, to use and employ said trees in a manner other than for the use of the navy of the United States of America, to-wit: with the intent to use and employ said trees for his, the said Charles A. Smith's private use and benefit, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States. (Signed).

MILTON D. PURDY, Assistant United States Attorney.

Names of witnesses examined before the Grand Jury:
A. D. Thorpe, M. D. Taylor, M. H. Craig, J. P. Leef, D. J. Jones.

UNITED STATES OF AMERICA, }
DISTRICT OF MINNESOTA, } ss.
THIRD DIVISION. }

I, CHARLES L. SPENCER, Clerk of the United States District Court, for the District of Minnesota, do hereby certify that I have carefully compared the copy, attached to this certificate, with its original, which is in my custody as such Clerk, and that the said copy is a full, true and correct transcript from such original and of the whole thereof, and of the endorsements thereon.

IN TESTIMONY WHEREOF, I have hereunto set my official signature as the Clerk aforesaid and affixed the seal of said Court at St. Paul in the Third Division of said District this 30th day of December, A. D. 1904.

(Seal) (Signed) CHARLES L. SPENCER, Clerk.
U. S. District Court
Seal,
Third Division,
Dist. of Minnesota.

getting off easily, as he had had the use of the money involved in the stolen timber for a sufficient length of time to more than reimburse him for the outlay.

There is also a record of a proceeding in the United States Circuit Court for the District of Minnesota, 4th Division, wherein a Minneapolis Court imposed a fine of $3,244.12 against the C. A. Smith Lumber Company a few years ago on account of a flagrant timber trespass, and this fine was likewise paid without much ceremony.

If I felt so inclined I could dig up innumerable instances where the avariciousness of this would-be saint has played an important part in the drama of depredation, but I think enough has already been presented to more than satisfy any unbiased mind that Smith was simply playing to the galleries when he undertook to set himself upon a pedestal of righteousness in the course of his interview with the Minneapolis Journal.

Instead of being a loser to the extent of $150,000 or $200,000, through his dealings with me, Smith has profited to the extent of several millions, and had he not been so greedy, and overcome with the idea of preventing me from making a small commission, he would have been millions of dollars better off still.

The happy family

Chapter XX

A few pertinent facts connected with Oregon State School Lands, which have a tendency to throw considerable light on the inner workings of one system of plunder slightly out of the ordinary—Indemnity selections are shown to be a favorite method of operation, and the "School Land Ring" comes in for its share of attention—Governor Pennoyer's heart and the State Treasury are touched simultaneously by a clever ruse, wherein a bum actor plays a leading part—How the Hyde-Benson gang stole a march on the Oregon "Push," and got away with 40,000 acres of lieu in the Cascade Forest Reserve under their eyes, causing much wailing and gnashing of teeth among the "faithful"—Ex-Governor Geer looms up in the land fraud limelight—The election of Governor Chamberlain marks the downfall of the School Land sharks, and Oswald West earns an enviable reputation as State Land Agent—Puter's explanation of the State Indictments against him.

IN the course of my twenty years' experience connected with the public domain of Oregon, I have devoted considerable attention to handling State School and Indemnity Lands. School Lands comprise the 16th and 36th sections of every township, while the State indemnity lands embrace those tracts selected in lieu of the school sections. That is to say, where the State loses any portion of a 16th or 36th section, by reason of appropriation before survey by a claimant under the United States laws, or any other process, it is entitled to select an equivalent area in lieu thereof. Under the "Donation Claim," Homestead and Pre-emption laws, actual settlers were permitted to perfect title to school sections after survey, and in consequence, nearly all the 16th and 36th sections in the Willamette, Umpqua and Rogue River valleys have been acquired in this manner.

The State Land Office of Oregon, as at present constituted, was created by an Act of the Legislature in 1887, at which time the Secretary of State ceased to be the keeper of its records, an officer technically known as the "Clerk of the Board of Commissioners for the Sale of School and University Lands," being made the practical head of the institution. Now the law creating the office of Clerk of the State Board made him the keeper of its records, the conductor of its correspondence, and required him to give bonds, as well as subscribe to an oath to "faithfully perform the duties of his office;" and while the Act of 1887 did not specifically require the Clerk of the Board to furnish basis for lieu land applicants, it was evidently within the purview of the law that he should answer such questions as might be put to him concerning matters of record in his office by persons wishing to purchase lands from the State. So, as a matter of fact, the law of 1887 demanded that the applicant to purchase lieu land should "state in his application designating the loss to the State the 16th and 36th section or fractional township in lieu of which the land is to be taken." In other words, he could not buy any indemnity land until he had named its base, and as no citizen of the State, with the exception of the Clerk, was accorded access to these records, they had no way of ascertaining where a deficit existed.

For several years following the passage of the Act of 1887, there was a great deal of speculation in lands, and especially in connection with fine tracts of Oregon timber. Timber land could be obtained under the Act of June 3, 1878, at $2.50 an acre, but the price of the same character of lands purchased from the State was equivalent to but one-half that amount, and in addition, the applicant was permitted to purchase 320 acres, as against 160 acres under the Timber and Stone Act of the United States, and allowed deferred payments besides. Such advantage naturally amounted to a great inducement to buy from the State. The School Land Commissioners consisted of the Governor, Secretary of State and State Treasurer. The price of State Lands is fixed by legislative enactment.

In 1890, learning that a great many different tracts were being selected by the State as indemnity, and afterwards transferred to timber land operators, I concluded to make a trip to the State Land Office at Salem with a view of ascertaining the methods of acquiring title under the State indemnity laws. At that time the School Land Board consisted of Governor Sylvester Pennoyer, Secretary of State George W. McBride (later elected United States Senator from Oregon), and State Treasurer G. W. Webb. Napoleon Davis was chief clerk of the Land Office. Upon inquiry, I found out that all persons over the age of 18, married or single, and residents of the State of Oregon, who had not already exhausted their right to take up school lands, were entitled to make application for 320 acres, and receive a certificate of purchase upon payment of one-third the purchase price of $1.25 an acre. The deferred payments were provided for in the shape of two notes, payable in one and two years respectively, and drawing 10 per cent interest per annum.

The form of application was very brief, the only requirements being that the applicant should state in the affidavit that he was over the age of 18 and a citizen of the United States; that the proposed purchase was for his own benefit, and not for the purpose of speculation; that he had not directly or indirectly made any previous purchase of land from the State of the kind described, nor had any one for him, which, together with that sought to be purchased, exceeds 320 acres; that he had made no contract or agreement, expressed or implied, for the sale or disposition of the land applied for, in case he was permitted to purchase the same, and that there was no valid claim thereto. The applicant was not required to inspect the land, nor appear at the land office. Under powers of attorney, any number of applications could be filed by one person, who would be entitled to receipt for the certificates of purchase or deeds to the various tracts in the name of the original applicant. A blank assignment accompanied each certificate of purchase, allowing the applicant to assign to whomsoever he chose, and this assignee could get a deed from the State in his own name the same as though he were the original purchaser.

By this process, several thousand acres could be secured by one person. The system looked good to me, so I concluded to round up a lot of applicants accordingly, and have them make blank assignments to me of all their interests in the lands, in order that the deeds could be issued directly to me in due time. Napoleon Davis, the Clerk of the Board, had educated me to a certain extent relative to the manner of procedure in acquiring title to these lands the first day I made his acquaintance, but he had failed to teach me fully upon the subject. I labored under the impression that in applying for an indemnity State selection, all that was necessary would be to hand in the applications to the Clerk of the Land Board and he would supply whatever basis was required. Much to my surprise, when I appeared before him with ten applications embracing 320 acres each, I was met with the assurance from Mr. Davis that it would be necessary for me to designate the basis myself. I had already paid $25 to each applicant for his right, and therefore felt considerably upset when met with this proposition, as I did not know how or where to find the necessary basis any more than the man in the moon.

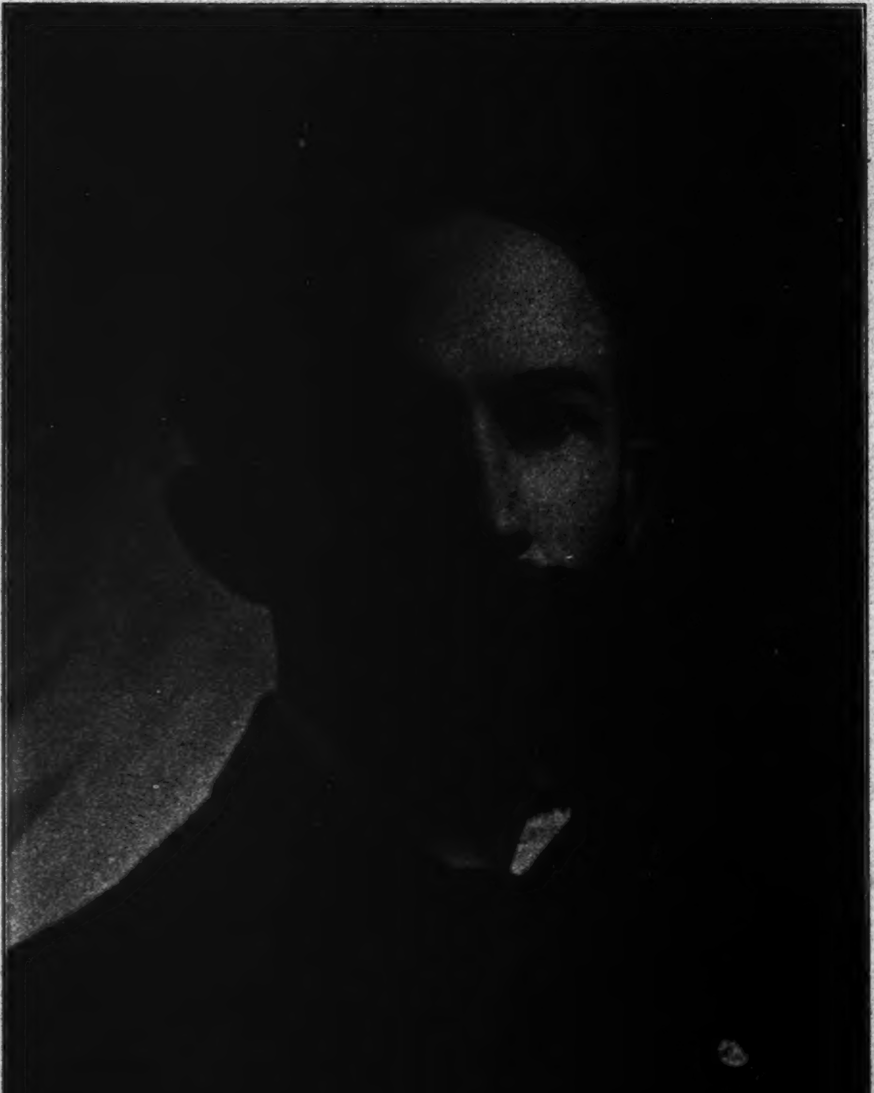
At this point Davis kindly came to my rescue by informing me that one E. P. McCornack, of Salem, was engaged in the business of furnishing basis for selections of this character, and that for a certain consideration, I could have all I wanted. It seems McCornack was Davis' predecessor, having held the position of Clerk of the Land Board from March 15, 1878, to January 31, 1887, and during that period had made hay while the sun shone, as he possessed a set of records exhibiting a full and complete list of all indemnity due the State from the United States by reason of loss to the school sections in various townships. Upon inquiry, McCornack informed me that his charges for this "lieu" was $1.25 an acre, making the cost of State selections under the indemnity system $2.50 an acre. The whole thing impressed me as a graft, pure and simple, with Napoleon Davis standing in with McCornack on the deal; but as I wanted the lands, I paid the extra $1.25 an acre without murmuring, and was given the certificates of purchase by McCornack after the selections had been made through him.

This system of procuring timber lands worked like a charm, from a financial point of view as well as avoiding the possibility of contact with the Government in connection with the Homestead, Pre-emption, or Timber and Stone Acts, notwithstanding the fact that I felt I had been gulled by McCornack. Before leaving his office I ascertained that the latter held a close monopoly upon all the available base in the State, and that it was useless to try and do business along those lines without paying his toll. In this he was greatly aided by Clerk Davis, who insisted that, inasmuch as he had kept no records of the indemnity lands, he had no idea as to the quantity thereof due the State by the Government. This seemed rather "raw" to me, so I determined to make a personal examination of the records with a view of ascertaining how much base was left.

Within a very short time I unearthed several thousand acres of available base in the Klamath Indian Reservation. Securing enough applications to cover this amount, I designated it as the basis of my selections, and requested Clerk Davis to file my applications. At this I was met by his assurance that while the base indicated had not been used, there were a sufficient number of applications on file in the office to exhaust the same. Upon examining the applications in question, I discovered that they were mere "dummy" applications filed by McCornack to cover up the base. Going still further into the matter, I ascertained that McCornack had been playing this game since the Act of 1887 was passed, practically running the State Land Office of Oregon in pretty much the same fashion as that pursued by Hyde and Benson with the State Land Office of California. It appeared that Davis was a mere tool in the hands of McCornack.

So many complaints came to the Land Board about Davis, in fact, that on on August 1, 1891, he was removed from office, and George W. Davis appointed to the vacancy. Just before being ousted, however, Napoleon Davis persuaded the State Land Board to issue an order requiring all applicants for unsurveyed school sections to deposit with the Clerk of the Land Office one-third of the purchase price on agricultural lands, and one-half on timber lands. At that time there were applications of this character on file aggregating fully 200,000 acres, upon which no cash deposit had been made. Immediately after the Board had made this order, Davis notified all applicants to either pay up within thirty days or else suffer the cancellation of their applications. The result was that upward of $100,000 was deposited with the clerk within the period specified. This money was not deposited in the State Treasury, however, as the law provides, but instead was transferred to McCornack's private bank in Salem, Davis giving his personal receipt therefor.

Upon his retirement as Clerk of the Land Board, Napoleon Davis established an office in McCornack's bank, and acted as attorney for the applicants, securing the issuance of deeds and certificates from the State for considerable land. As I had filed some forty or fifty applications myself on unsurveyed School tracts, and being desirous of procuring title to them, I consulted Napoleon Davis relative to his charges on each quarter section, and was assured that it would amount to $10 in each case. Regarding this as another hold-up proposition, I concluded to see George W. Davis, and endeavor to obtain title without the aid of Napoleon. The Clerk of the Land Board declined to have anything to do with the applications, claiming that Napoleon was attending to them, and that I would have to deal with him. After negotiating with the latter for quite a while,



Ex-United States Senator George W. McBride, of Oregon in the endeavor to induce him to take my cases at half price, or $5 per quarter section, and failing to do so, I called upon Secretary of State George W McBride, and explained the situation to him. No sooner had McBride become aware of what was going on than he sent for Clerk Davis and demanded an explanation, with the result that it was ascertained that certificates and deeds had, without authority, been issued by the State to fully 20,000 acres of unsurveyed school lands. The Secretary of State thereupon laid the matter before the next meeting of the School Land Board, and in consequence an order was made by that body instructing the Clerk not to issue any more titles of this character. This ruling proved disastrous not only to Napoleon Davis, but to myself, as it prohibited me from obtaining this prima facie evidence of title to about 8,000 acres of unsurveyed school lands, besides cutting Napoleon Davis out of his graft in the shape of $10 fees.

At all events, the remaining applications together with the money deposited thereon, continued in the possession of Napoleon Davis, who seemed to have been well-named, so far as his financial ability was concerned. When the land upon which these applications had been filed were surveyed by the Government, it was found in almost every instance that there was an actual settler upon each tract of school land, and as these claimants, under the United States laws had a preference right for ninety days after the approval of the survey in which to initiate their claims, the State applicant was left out in the cold, and whatever titles were procured through Napoleon Davis were absolutely valueless. All the applicant could do under the circumstances was to surrender his receipt to the Clerk of the Land Board, who would refund the amount paid thereon, while those who had failed to secure certificates were obliged to look to Napoleon Davis for their money. A large percentage of this money remained in McCornack's bank for a number of years, and I venture that several thousand dollars are still there, for the reason that the applicant had either left the country or lost his receipt. Their applications, never having been filed in the State Land Office, were without legal standing, consequently the only available recourse for the applicant placed in this position was to quietly submit to the loss of his money.

In a preceding chapter mention is made of the fact that during the Winter and Spring of 1891 and 1892, Willard N. Jones and myself undertook to make an abstract of the State indemnity lands with a view of determining the amount of basis the State was yet entitled to. The idea occurred to us at that time, because of the removal of Napoleon Davis from office, and the appointment of George W. Davis to succeed him, that the latter, being unacquainted with the duties of the office, would be an easy mark. We reasoned that there was a chance for us to get in and break up McCornack's monopoly on the sale of State lieu. Our deductions proved correct, as we won George W. Davis over in short order by agreeing to whack up with him on the commissions derived from the sale of this basis. In consequence Napoleon Davis and McCornack were shut out completely from gaining control of any new basis that had not already been gobbled up by them.

Our work in this connection occupied something like three months, during which period we made a complete search of the State Land Office records. This investigation revealed the fact that shortly after the Act of 1887 went into effect, the Umatilla Indian Reservation was thrown open for the selection of basis, and 16,980.03 acres had been used therein; that in 1888 the Klamath Reservation was ready, and the lieu sharks got 63,011.94 acres from that source; in 1889 the Grand Ronde Reservation afforded them 6,065.14 acres more, and in the same year the Siletz Reservation became ripe, with an additional 10,864.14 acres. Then in 1891 the Warm Springs Reservation yielded 36,643.66 acres, making in the aggregate the snug amount of 133,564.91 acres of basis, for which lieu land purchasers were mulcted to the probable extent of $250,000 for services which under the present management of State lands would not have cost them a cent, according to the first biennial report of State Land Agent T. W. Davenport, made in 1897 to W. P. Lord, Governor of Oregon.

There were other sources of basis than those already referred to, being deficits in fractional townships, filings that had been made under the Donation, Homestead and Pre-emption Acts, where settlers had gone onto the school sections prior to survey of the township, amounting practically to 20,000 acres, and making a grand total of fully 150,000 acres in round numbers.

After an exhaustive research, Jones and myself managed to find about 10,000 acres of base that had been overlooked. It consisted principally of fractions ranging from 10 to 100 acres in different sections and townships. There were probably 40,000 acres of the 150,000 acres remaining for use by the State, but as McCornack had "dummy" applications on file in the State Land Office covering the whole, nobody but himself was entitled to use it, according to the peculiar regulations then in force. Whenever anybody wanted to make an indemnity State selection, he was compelled to pay tribute to McCornack to the extent of from $1.25 to $2.50 an acre, according to quantity desired, and in this manner the lieu land shark profited to the extent of about $250,000.

Jones and I continued to deal in State indemnity until friction arose between us, and we dissolved partnership. The trouble was caused by Jones insisting on paying Clerk Davis 50 cents an acre on all lands selected by us. He had conceived the idea that there were great possibilities of securing large quantities of additional base through the creation of new reservations within the State, and by taking Davis in as a full-fledged partner, we could monopolize the whole indemnity land business, thus shutting out McCornack, Jack D'Arcy and W. T. Rader completely, they being the only ones aside from ourselves operating in State lieu lands. I objected to paying Davis such a large commission, and besides I considered it rather doubtful about our ability to shut McCornack out. To adopt such a course, in my judgment, was liable to result in shutting us all out of the State Land Office, as the others were not likely to quietly submit to any such proposition. Jones, however, did not agree with me, and declared that rather than jeopardize his personal interests, he would prefer to go it alone. The fact of the matter is, that Jones simply adopted this as a subterfuge to get rid of me, as himself and Davis had a clear-cut understanding that when this was done they would operate together independently of me.

From this time on I had to fight for everything I wanted to get through the State Land Office, as Davis blocked me at every possible turn. However, I managed to hold my own, and succeeded in getting away with most of the basis in cases where homestead and pre-emption filings had been made on school sections. As a great many settlers had located on these tracts before survey, I generally kept a close tab on the surveys, and as soon as the township was thrown open to entry, would make it my business to see that the settler filed either a homestead or pre-emption on his claim. As soon as this was done, the State was intitled to indemnity for the loss thus sustained.

The rule in vogue at the State Land Office in those days was that the first applicant for this base was entitled to its use. The information that the base was subject to use usually came in the form of a telegram from the local United States Land Office where the homestead or pre-emption claim had been filed. This system resulted in much confusion, there always being considerable rivalry to see who was entitled to use the base. By way of illustration, I will cite an instance to show how the thing was worked.

When the time came for certain townships to be thrown open for entry, I would arrange with some local attorney in the district where the land was situated to attend to the filing of the different claims. After doing so he would immediately wire me at Salem the particular tract covered by the homesteader or pre-emption claim. There were always a lot of land attorneys hanging around the various United States Land Offices, and some of them would have a similar arrangement with Jack D'Arcy and McCornack, one of whom would be stationed at the telegraph office in Salem awaiting the notice. As a rule D'Arcy would post himself in the Western Union Office, while I patronized the Pacific-Postal. At that time William Dumars, who is now superintendent of the Western Union at Sacramento, California, was the manager for the same institution at Salem, and likewise chief operator.

The messages announcing the filings were sent in duplicate from the local land office, as the Register, before whom the filings were made, would immediately after swearing the entryman to the filing papers give a copy of the telegram to the representative of each contending faction, which was the signal for a wild scramble for the telegraph offices. For some reason or other, D'Arcy generally managed to get his dispatch a few seconds ahead of me. I have always fancied that it was because Dumars was a better operator than his competitor, and handled the message faster. At any rate, it gave D'Arcy a good lead, and as we usually secured the fleetest saddle-horses in town and our course led through the main street from the two telegraph offices to the State Capitol building, about one mile distant, it was better than the Suburban or Brooklyn Handicap to watch the outcome. Each contest of this character involved a stake of from $1,000 to $3,000, as there were always from four to eight entries made at the same time in the United States Land Office. As we would race at breakneck speed through the principal streets, we could perceive frightened faces peering from behind the window curtains of the residences passed in our mad flight, the inmates evidently suspecting that a raid had been made upon Ladd & Bush's bank, and that the robbers were making their escape to the mountains. Although D'Arcy usually got the start of me I generally beat him to the office, but it was frequently nip and tuck all the way.

Obtaining title to timber land under the school indemnity system became more popular as its merits were made known, consequently this kind of basis was soon in great demand. The forest reserve lieu land Act had not then gone into effect, and as Valentine Scrip, Sioux half-breed scrip, and military bounty and land warrants of every description were held at prohibitive figures, the fact that the State lieu selections could be made at such a comparatively low price, and answered the same purpose, appealed to those who wished to secure large bodies of timber throughout Oregon. In addition to its right to select lands in lieu of tracts lost in the different Indian reservations, lakes, rivers, fractional townships, and homestead and pre-emption filings on school sections before survey, the State was granted indemnity for school sections shown to be mineral in character, even though they had not been returned as such at the time of the approval of the official survey of the township by the United States Surveyor-General.

Grasping this phase of the situation, I obtained authority from the State Land Board to adjudicate on a number of school sections in Eastern Oregon at my own expense with a view of determining the mineral character thereof, it being understood that I was to be allowed the use of the basis on all such sections that I succeeded in having returned as mineral. The process of determining the mineral character of these lands, in vogue with the General Land Office, contemplated the posting of notices upon each legal subdivision of the ground; the insertion of an advertisement for a period of thirty days in some paper nearest the land to the effect that a hearing was to be held before the United States Land Office on a certain date for the purpose of determining the mineral character of the land, and the sworn testimony of two or more competent witnesses that they had been acquainted with the tract prior to survey, and knew that it was mineral in character. After this evidence had been passed upon by the Register and Receiver it was transmitted to the Commissioner of the General Land Office at Washington, D. C., and if he considered the evidence sufficiently competent to sustain the mineral claim, the lands selected in lieu thereof could be listed to the State. This adjudicating process proved to be a successful venture, from a financial standpoint, as it cost but twenty-five cents an acre, while the basis was worth from $1.25 to $2 per acre. As the school sections thus acted upon were invariably utterly worthless for any purpose, and it was hardly likely that they would ever be applied for, the State profited greatly by the exchange, and as usual the Government got the worst of it. During the two years that I was engaged in the business of adjudicating these mineral lands, I succeeded in having about 40,000 acres so returned, while W. T. Rader got through about 30,000 acres in the same way.

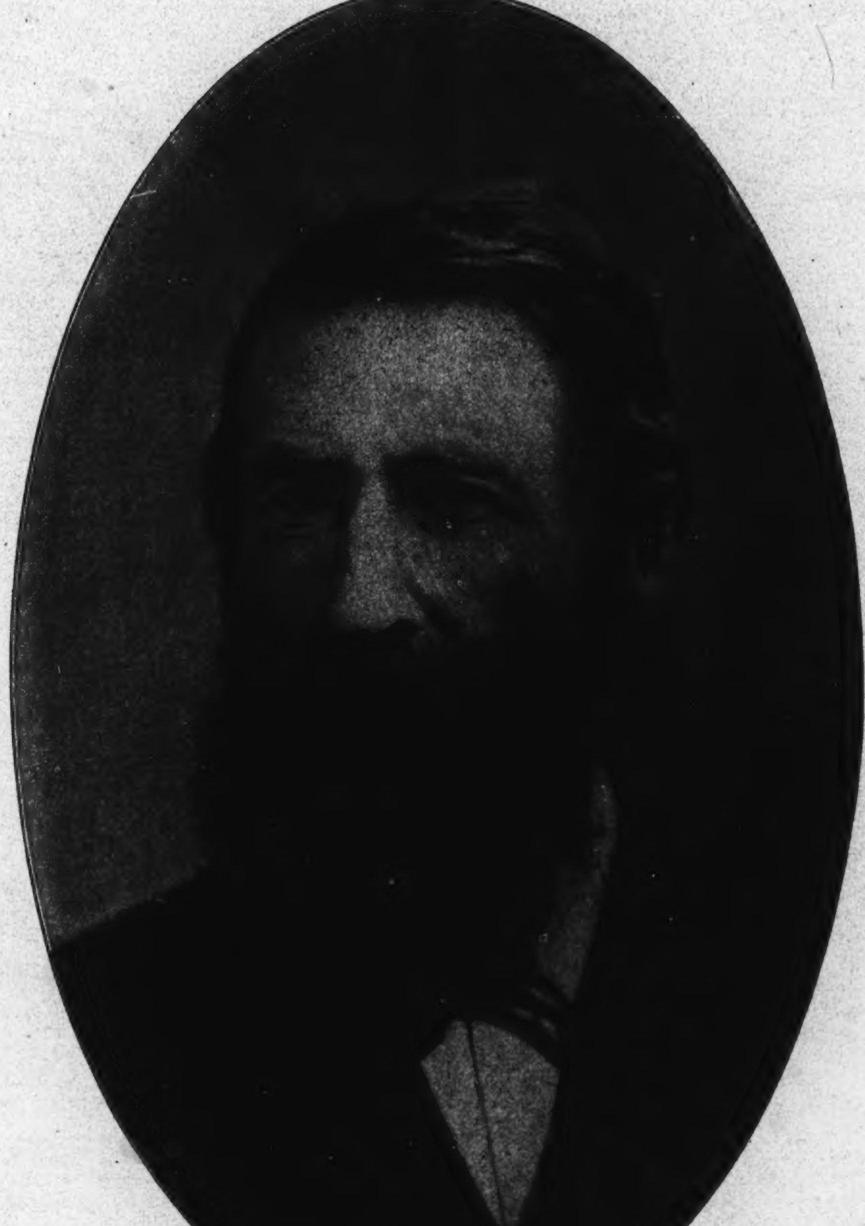
There was such a demand for school land base at that time that every available acre was exhausted, and those engaged in the business were put to their wit's end to supply more lieu. The "School Land Ring," composed of McCornack, D'Arcy, Rader, Jones and myself, finally conceived the idea of establishing an immense forest reserve in the Cascade range of mountains, upon the theory that the State would be entitled to indemnity for all the unsurveyed school sections within the limits of the proposed reserve. Acting upon this belief, a fund of about $1400 was subscribed by those interested, which was to be devoted to the expenses incident to preliminary steps. We had an elaborate map made of the country that was proposed to be withdrawn, indicating that its boundaries extended along the Cascade range from one end of the State to the other, and embraced a strip about 30 or 40 miles in width. This map indicated that there were fully 195,000 acres of unsurveyed school sections within the proposed reserve, for which the State would be entitled to indemnity.

We then engaged the services of Will G. Steel, of Portland, giving him the map and all other data at our command, and started him back to Washington for the purpose of promoting the establishment of the reserve. He was successful in the undertaking, and we soon had the satisfaction of knowing that the now famous Cascade Forest Reserve was upon a firm basis. Our attorney in Washington kept us apprised of the situation, and we were notified fully ten days in advance that it was President Cleveland's intention to sign the proclamation creating the reserve. We took advantage of this information to procure enough "dummy" applications to cover every available school section within the reserve, and these we were prepared to file with the Clerk of the Land Board as soon as we received word that the President had signed the proclamation. Upon receipt of this intelligence by wire, the Clerk of the Land Board submitted a selection list of a few hundred acres to Governor Pennoyer as a "feeler," but he had been laying for us, and refused absolutely to sign the list, at the same time notifying Clerk Davis not to receive or file a single application for any tract based upon Cascade Forest Reserve indemnity, and stating further that it was his intention to have a bill introduced before the next Legislature raising the price of all school indemnity lands to $10 an acre.

The vigorous stand taken by the executive was a body blow to the school land ring, for we had figured upon making an enormous "killing" in connection with the sale of the 195,000 acres of base existing within the limits of the proposed reserve, there being a profit of from $1.50 to $2.50 an acre thereon. However, we did not lose all hope, but concluded to wait a few months until the Legislature met, when we could resort to the same methods that had so often proven successful upon former occasions—work the "third house" for all it was worth in the effort to prevent any change in the price of school indemnity lands.

Pennoyer's term as Governor expired in January, 1895, and in his final message to the Legislature, he made a strong plea for his pet measure. The school land ring attended the session of lawmakers in a body, and exerted every effort to defeat any bill affecting prices of these lands to our detriment. Several measures were introduced, raising the price all the way from $5 to $10 an acre, but the ring succeeded in holding the price down to $2.50 an acre, provided for in a bill introduced by the late John D. Daly, Surveyor-General for Oregon at the time of his death recently.

It was at this session that the office of State Land Agent was created. The reorganized State Land Board consisted of Governor William P. Lord, Secretary of State H. R. Kincaid and State Treasurer Philip Metschan, Sr. Ex-State Senator T. W. Davenport, of Silverton, (father of Homer Davenport, the noted



T. W. Davenport, who earned an enviable reputation as State Land Agent of Oregon. Mr. Davenport is father of Homer Davenport, the celebrated cartoonist

cartoonist), was named as State Land Agent. He was one of the early settlers of Oregon, had occupied many prominent positions of trust, was known as a man of strict integrity, and as one of the most upright in the State. No sooner had he entered upon the duties of his office, than he proceeded to make selections of land in lieu of the school sections embraced in the newly-created Cascade Forest Reserve. There was a provision in the Daly law that all land in lieu of sections 16 and 36 should be withdrawn from sale for a period of two years, and by a singular oversight, the Legislature failed to make any appropriation for meeting the expenses of the Land Board. This left the Land Agent without any salary or traveling expenses necessary in perfecting title to State indemnity selections.

This fact did not deter Mr. Davenport from performing his duties, however. The educational interests of the State were at stake, and as neither the Governor, Secretary of State nor any other official had the power to reimburse him for any outlay, Davenport conceived an idea of his own on the subject. He secured the adoption of a rule by the State Land Board to the effect that those making State indemnity selections should forward their applications to the Land Agent, designating the tract desired, accompanied by a fee of fifty cents an acre, together with $2 on each quarter section as fees at the United States Land Office, it being stipulated that the Agent should make the selection and at the expiration of two years, the time fixed by law, the applicant should have a preference right to purchase the land.

Pursuant to this decision by the State Board, a printed circular of instructions was issued, and sent broadcast throughout the State, notifying those interested of the conditions. The scheme succeeded beyond all expectation, and applications for indemnity lands kept pouring in from all directions. There was soon sufficient funds on hand to meet whatever expense attached to making the selections, besides enough to pay the salary of the Land Agent, the intention of the latter being to have the next Legislature make an appropriation reimbursing him for his expenditures, and providing for the disposition of the funds in his hands.

Although the action of the State Land Board in thus making provision for correcting the omissions of the Legislature was surrounded with the best of intentions, it soon became apparent that it likewise created a golden opportunity for the school land ring to take advantage of its salient features. This was accomplished by process of "dummy" applications for desirable tracts of timber in different portions of the State, these selections being filed with the Land Agent, who would hold them in abeyance until the expiration of the two years, when the selections could be approved. As the Daly law had doubled the price of State School lands, it might be inferred that there was not much in it for the ring, but it must be considered that in the meantime there had been a great increase in the value of Oregon timber lands, and this more than compensated us for the difference.

Approximately, the ring selected 40,000 acres, and the State Land Agent probably 25,000 acres more, while some 30,000 acres were required to amend the basis of other selections that had previously been made under the Napoleon Davis and George W. Davis regimes, wherein the basis proved defective. In other words, the State had given certificates and deeds to tracts where the basis was bad, and these had fallen into the hands of innocent purchasers, making it incumbent upon the State to cure the titles.

When I first began dealing in State lands, I paid $25 to each person for his right in making application for 320 acres. As I became more accustomed to the business, however, and learned more about the methods of those who had made a study of the subject, I gradually lowered the price, until finally I could obtain all the "dummies" I wanted for a glass of beer. It became the custom of the ring to extend little courtesies to the various members by "borrowing" these applications—which were signed and acknowledged before a notary in blank—so that whenever one ran short, and had a hurry order for a piece of land, all that was necessary was to fill in the description of land, and the task was completed.

The system adopted by the ring to secure applicants for these indemnity lands, or any school section, for that matter, was rather unique. We would go to some saloon around town, and after treating all hands a few times, would get them to sign up a bunch of applications and assignments in blank, and it was no material difference whether they signed their correct names or not, so long as a signature of some sort was in evidence. We would then take the papers to a convenient notary public, who would affix his jurat without the necessity of the applicant being present. The ruling rate for acknowledgments of this character was fifty cents, but once in a while we would come across a thin-skinned notary who would demand $2.50 as a balm to his conscience. They were quite rare, however.

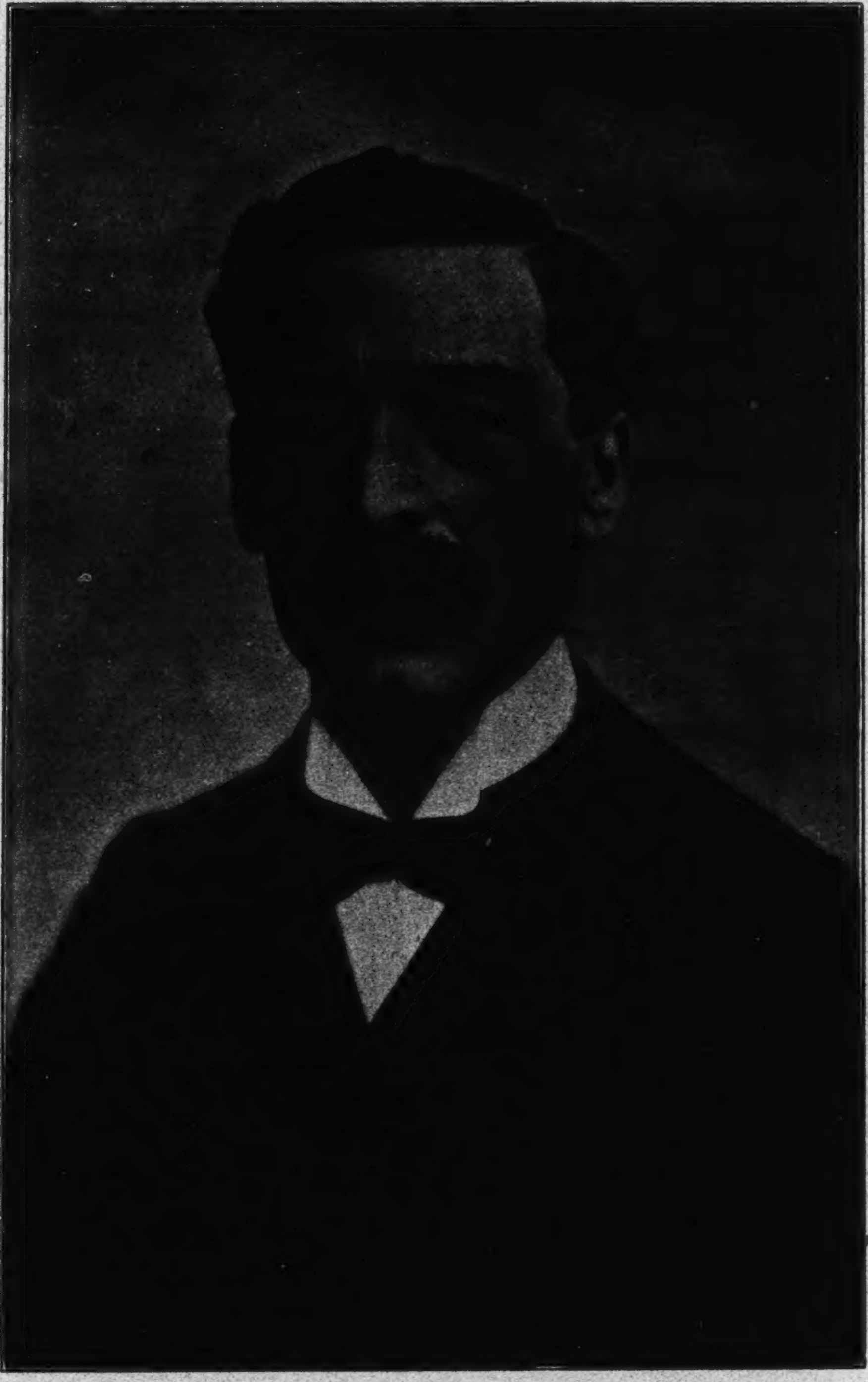
At the expiration of the two years, certificates of purchase were issued on the lands selected in the interest of "the gang," and handed over to whomsoever appeared upon record as attorney or agent for the applicant. As assignments had previously been procured, in the manner designated, all that was necessary was to fill in the description of the land to correspond with that embraced in the State certificate. It was an easy matter for us to transfer the title at some later date to whomsoever we chose, who in turn could surrender the documents to the Clerk of the Land Board, and by paying up the balance due the State on the land, would receive a deed in his own name as if he were the original purchaser. It will thus be seen that one person could secure deeds to thousands of acres, or such quantities of land as he had assignments for.

Of the 40,000 acres of mineral sections that I had adjudicated, 12,000 acres were rejected by the General Land Office, and as my certificates were about to be cancelled by the School Board, I engaged the law firm of Baron & Ward, of Portland, to represent me at the proceedings, with a view of securing such action that would permit me to substitute base from the Cascade Forest Reserve. My petition was turned down upon the ground that as I was the attorney for the different applicants, and had adjudicated upon the mineral lands myself, it was my place to find new base outside the Cascade Reserve. It was also alleged that all selections in lieu of the Cascade Reserve were fixed at $2.50 an acre, while the selections in question were under the old law at $1.25 an acre.

As my attorneys failed to accomplish results, I called upon "Old Pard" Mays to see if he had any suggestions to offer. He advised me that under the circumstances I should employ someone with sufficient influence with Governor Lord to induce him to sign the list, and recommended Joseph Simon, of Portland —afterwards elected United States Senator from Oregon—as a proper person for the undertaking. Taking his advice, I called upon Mr. Simon, to whom I explained the situation fully, showing how my selections were about to be canceled, and that inasmuch as the State was entitled to fully 100,000 acres of available base in the Cascade Forest Reserve, it was no more than right for the Governor to permit me to amend the selections with base from that source.

My actions must have impressed Mr. Simon with the idea that I was seeking to secure his services more on account of his influence with Governor Lord than anything else, as he promptly declined to interest himself in the matter, notwithstanding that I offered him a fee of $2,500 if he would secure the approval of the 12,000 acres embraced in my selections. Subsequently the State Land Board, recognizing the justice of my claim, approved the selections upon their merits, after I had personally filed a supplemental petition, without the aid of any attorney, but the episode is significant as revealing the character of the man. Rather than participate in any transaction involving the slightest semblance of moral turpitude, Mr. Simon preferred to forfeit a fat fee, and in view of my experience with others along similar lines, I felt that here was one lawyer remindful of an oasis in the desert.

During the five years' administration of George W. Davis as Clerk of the Land Board, many controversies arose between the various members of the gang



Ex-United States Senator Joseph Simon, of Oregon engaged in dealing in school land base. Throughout 1893-4, W. N. Jones, Rader and Clerk Davis were in cahoots, while McCornack and D'Arcy operated together. I preferred to go it alone. The Jones-Rader-Davis combination tried to hog the game, and in consequence, frequent disputes were aired before the School Land Board, which had the effect of often causing that body to shut down on all of us. Their action in this respect would last for a few months, when we would patch the matter up with some scheme or other, and affairs would run along smoothly for a while until there was another row in camp, when there would be a repetition of the quarantine process.

Pending one of these wrangles, in which Governor Pennoyer had refused absolutely to recede from the ruling of the Land Board, I resolved to overcome his stubbornness by resorting to some clever subterfuge, and the scheme worked like a charm. Realizing that the Governor, while exceedingly firm in his convictions, and austere in manner, was a man of deep sympathies, I concluded that the best way to secure his favorable action was by playing upon this chord of his nature rather than attempt to appeal to the cold equities of the case. He was in a position to waive aside all consideration of equity, and interpret the regulations of the Land Board pretty much as he saw fit, but when it came to a question of sentiment, I knew that the rugged old fellow had a soft spot in his heart that might be touched by some shaft of pathos.

Actuated by this instinct, I sought the North End precincts of Portland, and was fortunate in securing the co-operation of a cheap variety actor, who entered heartily into the scheme. Arraying this individual in an old dilapidated pair of overalls and ragged jumper, with a straw hat that had seen better days, and everything else to correspond, by the aid of some lamp black and other stage-like processes, I soon had him in shape to carry my plans into execution. Equipped with dinner pail and a look of the utmost despair and abject misery, and bearing the appearance of a typical woodchopper, my actor friend stationed himself at the foot of Montgomery street, near the Governor's sawmill, and calmly awaited developments. It was the custom of Governor Pennoyer to devote considerable attention to his lumbering interests whenever he was away from the seat of State government in Salem, and upon such occasion was in the habit of remaining at his sawmill until about 5 o'clock when he would proceed homeward.

In a voice husky with well-feigned emotion, and with tears taking their pathetic course down his weatherbeaten countenance, the pseudo woodchopper upon intercepting the Governor, proceeded to unfold a tale that would have moved a graven image.

"Behold in me a victim of bitter fate!" he pleaded. "I am the owner of an humble homestead claim in a heavily-timbered tract that has appealed to the covetous eyes of the merciless landgrabber. See before you the father of nine motherless children, weeping out in the woods all alone for their devoted father, of whose tender care they are bereft in order that the immutable laws of a great government might be satisfied. By the force of cruel circumstances, I am obliged to remain away from them weeks at a time in order to earn my daily bread and keep the hungry wolf from the lonely doors of my loved ones. I am told that all this can be overcome through your Excellency, and that by relinquishing my homestead filing, I shall be permitted to make a State lieu selection of the tract, and thus avoid the necessity of compliance with the harsh measures incident to residence thereon."

Evidently Governor Pennoyer was touched deeply by this pathetic appeal, as after listening to the assumed woodchopper's harrowing tale of woe, he patted him sympathetically upon the shoulder and assured him that he would do all in his power to relieve conditions. As a matter of fact, the land in question was still vacant, unappropriated land belonging to the Government, but as soon as I ascertained that the Governor was disposed to make exception to the strict ruling of the State Land Board in this particular case, I lost no time in taking the alleged woodchopper to the Oregon City Land Office and having him make homestead entry of the piece desired. We then proceeded to Salem, where the claim was relinquished, and immediately thereafter selected as indemnity land.

The selection list is made out in triplicate form on large sheets of paper, capable of embracing several thousand acres, and it was the practice for the attorney for each applicant to attend to this feature by designating the land to be selected, together with its basis, after which the Clerk of the Land Board would secure the Governor's signature to the list and then transmit it to the local Land Office of the district where the tract was situated. The facts connected with the Governor's promise to the supposed woodchopper being presented to him, he promptly attached his signature to the list containing this single selection of 160 acres. Thereupon the entire land ring brigade got busy, and when the list left the hands of the Clerk of the State Land Board, it represented an application for more than 16,000 acres. This scoop more than repaid us for the trouble and expense we had undergone in promoting the creation of the reserve.

The principal grounds upon which the Board based its objections to signing the selection list, was because some member of the ring would cause a selection to be made covering a large tract of timber in a township that had just been surveyed, in which there were settlers who desired to make homestead filings. When a new township is thus thrown open to entry, it is always an easy matter to get the selection list into the hands of the Register of the Land Office ahead of the homesteaders, as we generally had the list mailed the day before, which would bring it to the attention of the Land Office officials on the morning that filings were receivable, thus giving the State a huge preference. The homesteader as a rule would thereupon appeal to the State Land Board for redress, which he generally got, and the selection list would have to be amended. These contests often resulted in the Board declining to sign any more lists until such time as some scheme of the character indicated was worked upon them. Under the law, settlers upon lands in an unsurveyed township have ninety days in which to file their claims at the local United States Land Office. Oftentimes we were able to bluff them out on account of possessing the State title, but as a general thing, whenever there was any interference of this sort, the Governor protected the settler as much as possible in his holdings.

During the term in office of T. W. Davenport, there was no dissatisfaction, as Mr. Davenport favored one no more than the other. He was of a different type to those preceding him in the State Land Office, being courteous and obliging to all, and strictly honest and on the square in doing his duty as an officer of the State, notwithstanding the many inducements held out to him by members of the School Land Ring.

During the administration of Geo. W. Davis, there was a deficit in the School Land fund amounting to something like $31,000. The supposition is that Davis, who was on very friendly terms with Rader, issued certificates of purchase to several thousand acres of indemnity land without receiving any money thereon, the understanding being, that when Rader made sale of the land, he was to divide the profits with Davis, at which time the latter would credit the school fund the amount due on the purchase price. In the meantime, Rader, in company with four Eastern capitalists, went into the timber in Clatsop County for the purpose of examining a tract of land. About two weeks later the entire party was found dead in camp, the supposition being that they fell victims to the poisonous effects of eating canned goods. As no record had been kept in the State Land Office showing to whom certificates of purchase were issued, and as Rader had possession of the papers, Davis had no way of getting hold of them. For obvious reasons, he was afraid to expose the deficiency alluded to, consequently he manipulated the cash entries in such manner that for three or four years it was not discovered. Upon its exposure, however, Davis absconded, and has never been punished.

The State began an action against E. P. McCornack and George G. Bingham, of Salem, to recover $5,000, the amount of surety as bondsmen for the defaulter, but lost the suit by reason of the statute of limitations having run against the claim. George W. Davis was removed from office on August 1, 1895, and W. H. Odell appointed to fill the vacancy.

During the latter's administration of affairs—covering a period from the date of his commission until January 1, 1900—there were comparatively few transactions connected with indemnity lands, as by this time the basis had practically become exhausted, and what little was left was handled exclusively by the State Land Agent. The ring, however, continued to deal in the 16th and 36th sections, whenever opportunity offered, as the latter class of lands remained at $2.50 an acre. This condition of affairs continued until sometime in 1898, when we all awoke to a realization that we were not half so smart as we thought we were. It appears that there were still some 44,000 acres of unsold surveyed State school sections within the limits of the Cascade Forest Reserve, which had been established September 28, 1893. After the passage of the lieu land Act of June 4, 1897, it was thought that the State had no power to make selections using as base the unsold surveyed portions of the 16th and 36th sections embraced in a forest reserve. So firmly was this idea fixed in the minds of the State officers in fact, that at the instance of T. W. Davenport, State Land Agent, United States Senator George W. McBride (former Secretary of State for Oregon) had introduced a bill in Congress granting the State such a privilege.

It was at this juncture that F. A. Hyde and John A. Benson, the California operators who have long enjoyed a complete monopoly of indemnity land business in that State, and who are now on trial in Washington, D. C., for their part in fraudulent land transactions, conceived the idea of invading Oregon in search of pastures new. In 1898 Hyde came to Portland personally, accompanied by one Joost H. Schneider, a sort of "Man Friday" for the California schemer, whom he sent to Salem to do a little missionary work. One day Schneider appeared at the State Land office in Salem with an innocent-appearing application, calling for the purchase of a half-section of school land in the Cascade Forest Reserve. Meeting with no opposition to its filing, and having received the deed from the State, Schneider took his departure, but in a few days returned, armed with a sufficient number of similar applications to cover 44,000 acres, or practically every foot of vacant State school land left in the reserve.

As may be surmised, there was general commotion in the State Land Office when the full force of this contemplated raid dawned upon the State authorities. G. G. Brown, at that time a deputy under Odell, and at present Clerk of the State Land Board, was in the office when this incident occurred, and objected to filing such a large number of applications calling for such a vast quantity of school land, and summoned Mr. Davenport into consultation with him upon the subject. The latter likewise demurred to such a proceeding, but Hyde's agent was not to be denied, citing the filing of the single application heretofore referred to as a precedent to sustain his contentions, and insisted that, inasmuch as the lands were for sale, and the applications in proper form, they should be accepted and deeds issued accordingly. He accentuated this request by tendering the full purchase price of the lands, and demanded the deeds on pain of a suit against the State in case of refusal. Under these circumstances, the applications were accepted and deeds issued, conveying to the firm of San Francisco grabbers an immense domain, for which the State received $1.25 an acre, or approximately $50,000. It developed afterwards that Hyde and Benson, through Schneider, had secured "dummies" in Portland and vicinity to make the filings, and this feature of the proceedings is embodied in one of the counts in the indictment against them charging them with conspiracy to defraud the United States of its public lands, it being alleged that the base thus fraudulently obtained was used in the selection of other tracts belonging to the Government, under the Act of June 4, 1897, as the lands purchased from the State at the time indicated were later conveyed to the Government in exchange for other lands.

To say that the Oregon school land ring was sore when it found out the artistic manner in which it had been done up, would be putting it mildly. They saw in the transaction the dissipation of a bright dream of wealth, because the lands were purchased from the State at $1.25 an acre and converted immediately into forest reserve scrip, which then had a market value of at least $5.50 an acre, making the net profits of these frenzied financiers fully $150,000 from this one deal alone.

On January 1, 1900, M. L. Chamberlain succeeded General Odell as Clerk of the State Land Office, his appointment dating from the time that T. T. Geer was inaugurated as Governor. F. I. Dunbar was Secretary of State and Charles S. Moore, State Treasurer during the Geer administration, and L. B. Geer, the Governor's half-brother, was named as State Land Agent to succeed T. W. Davenport.

During the period that Odell served as Clerk of the Land Office, although he had been afforded no opportunity for participating in any of the deals of the ring, he had not been idle, and in one way or another had discovered that there were splendid chances for making considerable money through State indemnity base. Actuated by this idea, he lost no time in inducing Governor Geer to appoint him an assistant to the State Land Agent, clothing him with full authority to deal in this commodity. General Odell was given desk room in the office of State Land Agent L. B. Geer, and the two entered into the "base" business with a vengeance. Intrenched behind a show of official recognition, Odell advertised extensively that he had an unlimited quantity of base for sale at $1.50 an acre. Desirous of selecting a tract of timber land containing 640 acres, and learning that State Land Agent L. B. Geer had several thousand acres of available school indemnity base, I applied to him accordingly, and was assured by Mr. Geer that he would furnish the base at the price indicated, I to pay the State for the land embraced in the selection. In conformity with this arrangement, I paid State Land Agent Geer $960, taking his receipt therefor, and filed my applications with Clerk M. L. Chamberlain, at the same time depositing with the latter the twenty per cent requisite on the purchase price of the land. In a few days the certificates were sent to me, indicating that the selections had been approved by the local United States Land Office.

It was soon apparent that the business being conducted by State Land Agent Geer and General Odell was well-named. Never before in the history of the State had such base methods been adopted as those resorted to by this pair. It was a case of where "base met base," and, as usual, the public got the worst of it. Inasmuch as I had put in several years dealing in State basis, and was well posted regarding the quantity of indemnity to which the State was still entitled, it puzzled me to imagine how I could have overlooked the basis designated by Geer in the selection of my land. However, as he was the Agent of the State, and with Odell had made a careful search of the records, I felt no apprehension on the subject, and besides reasoned that on account of his official position, in case the selection failed to pass muster in the General Land Office, it would be amended.

In a few months it developed that the list containing my selections had been rejected by the Commissioner on the ground that the base named therein, with the exception of forty acres, had already been used years previously. Upon learning this fact, I insisted that Geer should substitute new base, and was informed that there was none available, the supply having already been exhausted. I thereupon demanded the return of my money, which was also refused, and in order to protect my selections, I was obliged to substitute base purchased from other dealers, at an expense of $4 per acre, and have never to this day been reimbursed in the amount I was flim-flammed out of by Geer, all of which he had converted to his own use. General Odell later went into the adjudicating business in Eastern Oregon lands, and would have succeeded in having several thousand acres adjudged as mineral were it not for the fact that in his greed to

Ex-Governor T. T. Geer, of Oregon

gobble up everything in sight, he fell down on the whole. It came about in this way: Odell had contracted with a couple of fellows to do the adjudicating for him on the basis of ten cents an acre for all lands in which sufficient evidence was produced to declare it mineral in character. Rader and myself, as heretofore indicated, had already adjudicated every school section in that part of the State, but this did not deter Odell from operating along similar lines. His agents were therefore instructed to adjudicate everything left, no matter whether the section was vacant or belonged to somebody else. There was where he made a serious mistake, for no sooner had his agents advertised that adjudications were to be made on certain school sections already sold by the State, than there was a howl of disapproval from the owners.

They appeared at the Land Office on the date set for the hearing, and after listening to the perjured testimony being introduced to show that their holdings were mineral in character, immediately entered a vigorous protest with the Commissioner of the General Land Office, which resulted in knocking the adjudicating business into smithereens, but not, however, before the State had selected some 73,000 acres based upon this fraudulent mineral base, and had given deeds to the purchasers. Had Odell and L. B. Geer omitted the tracts that had been sold previously by the State to settlers and stockmen, there is no telling how much they would have gotten away with, as their agents were working overtime for the ten cents an acre commission, and everything was grist that came to their mill.

Shortly after L. B. Geer was appointed State Land Agent, he was allowed additional clerks to assist in determining the quantity of base the State was entitled to. This information he used for his own personal benefit, and as General Odell had been given a desk in his office, all those making inquiry concerning indemnity selections were referred to him, and he would thereupon supply the base, exacting a fee of $1.50 an acre for his services. Thousands of dollars were thus paid to Odell for information that required but a moment to furnish, and which should have been given by the State Land Agent, as the State had gone to the expense of having the search of the records made that revealed the existence of this base. As a matter of fact, the two were working hand in glove, and the whole thing was a sort of "wheel within a wheel" proposition.

While Odell and Geer were thus holding a monopoly on the disposition of all State base, I learned of two sections of school land located in the mineral belt of Southern Oregon, and called upon Governor Geer for authority to adjudicate them as mineral. The Governor informed me that I would have to see L. B. Geer, as he was attending to that branch of the business. The latter passed me back to the Governor, who in turn referred me to Odell, who told me in plain English, that as he had undertaken to adjudicate the mineral character of the various school sections east of the Cascade Range, he did not propose to permit me to interfere with his prerogative.

Returning to the Governor once more, I assured him that the two sections I had under consideration did not conflict with any sacred territory and that if he would grant me the privilege of doing the work, I would willingly deposit the requisite fifty cents per acre and have the selections made, with the understanding that the certificates of purchase were not to be issued until the basis was approved by the Land Department, and if I failed to satisfy the demands of the Government in this respect, that the amount of my deposit should be refunded. Governor Geer pulled in his horns at this suggestion, and resorted to his threadbare method of referring me to the State Land Agent, which was equivalent to sending me upon an endless chain journey.

I reminded them both how certificates of purchase to thousands of acres were being issued to Odell long before he had even commenced the adjudication of basis, and as my proposition was perfectly fair, and the State did not stand to lose anything, nor was I interfering with the game of Odell and L. B. Geer, that I ought to be granted the privilege. My pleadings were in vain, however,

The official pet of Gibsonville
Sierra County, California

and I had to give it up as a bad job. It was then that I felt that I was undergoing my first experience of being shut out of the State Land Office entirely, so far as any further dealing in State indemnity basis was concerned. The combination of Governor, State Land Agent and "King Pin" Odell was too much for me, and I was obliged to submit to the inevitable.

Odell and the State Land Agent continued to do a flourishing business in the matter of making selections based upon alleged mineral land, and secured the issuance of certificates of purchase to something like 70,000 acres of this character, besides about 20,000 acres that were selected upon other base.

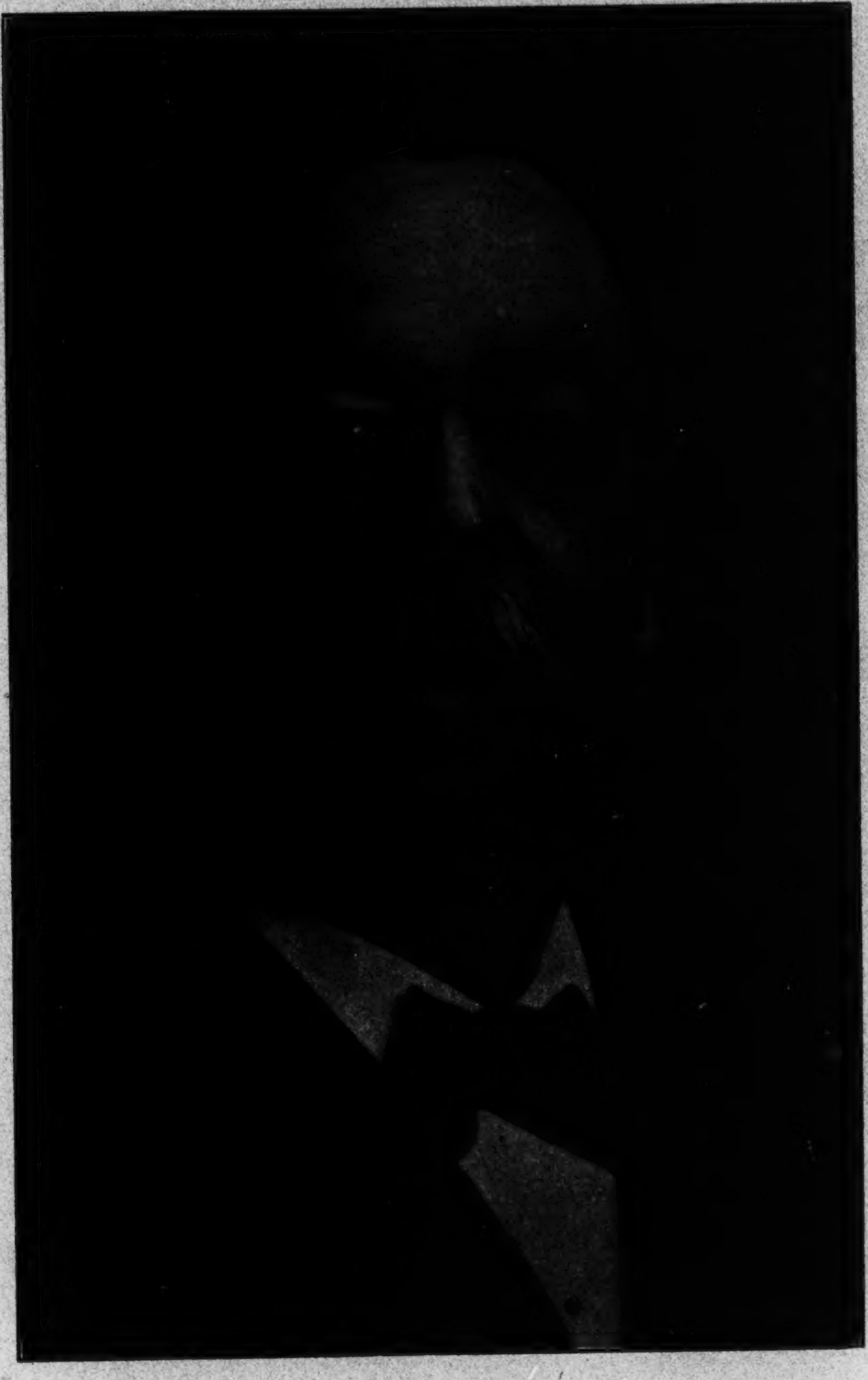
In due course of time, every acre thus selected by them was rejected by the Commissioner of the General Land Office, but in the meantime the firm of Odell & Geer had received pay for the basis, which was the main point with them. In each instance the State was given 90 days in which to file an amended list, and Odell would take advantage of this by rigging up some sort of an appeal that answered the purpose of delaying further proceedings, and preventing the actual cancellation of the selections. The purchaser, or holder of certificate, to the suspended selection was kept in entire ignorance of the situation, and was permitted to know nothing about the sword that was hanging over his title, unless, perchance, he found it out through the local United States Land Office. This condition of things did not deter the pair from keeping right along with their bunco game, however, and as M. L. Chamberlain, Chief Clerk of the Land Office was merely a figurehead, so far as knowledge of his duties went, this sort of thing was kept up all through the administration of Governor Geer, and there was no attempt at suppression of the evils until George E. Chamberlain was elected Governor.

Governor Chamberlain had held office but a few months when he saw that matters were very much in need of adjustment in the State Land Office, and on April 1 of that year, appointed George G. Brown as Clerk of the State Land Board, and on September 30 following, named Oswald West as State Land Agent. The latter was not only a young man of strict integrity, but was also well qualified, through long connection with the Ladd & Bush bank, of Salem, to introduce business principles in the conduct of affairs in connection with his duties.

West soon familiarized himself with conditions, and learning that thousands of acres of indemnity selections with defective base, which had been sold by the State to innocent purchasers, were subject to cancellation by reason of these irregularities, he proceeded to take steps to protect those who had bought the lands in good faith from the State. As there were no authentic records in the Land Office to show the exact situation, the newly-appointed Land Agent made a complete abstract exhibiting the status of affairs, from which it was ascertained that the State was still entitled to about 8,000 acres of indemnity from the United States. This base was worth $5 an acre in the open market, but instead of disposing of it in that manner, West used it, so far as it went, in amending the basis of those selections where it was demonstrated the applicants had acted in good faith.

When West reported his findings to Governor Chamberlain, showing how Odell and Geer had selected 73,500 acres on mineral base, out of which only about 1,000 acres had been clear listed by the General Land Office, and that 13,500 acres of their selections on other base had likewise been rejected, he was directed to set an investigation on foot for the purpose of finding out the exact status of these selections, with the result that the State reimbursed those who had made purchases in good faith through the instrumentality of Odell and Geer to the extent of $142,000. The General Land Office having rejected the 87,000 acres of mineral and other indemnity selections made by them, with the exception of the 1,000 acres indicated, the State has made repayment on 78,000 acres, leaving an area of 8,000 acres yet to be repaid on. The amount refunded applied only to the purchase price of the lands, and does not represent any portion of the commissions charged by the firm as a bonus for inserting the base, all of which the applicants lost in consequence of their dealings with the two rogues.

After getting the matter of rejected State indemnity selections well in hand, State Land Agent Oswald West turned his attention to the investigation of the alleged frauds in the purchase of school lands. In going through the files containing the applications to purchase, which covered the undeeded tracts, West found a large number of applications bearing signatures which, in his opinion, were forgeries, and he thereupon reported the facts to Governor Chamberlain. Acting under executive instructions, John H. McNary, District Attorney of Marion County, Oregon, on August 12, 1905, filed informations charging H. H. Turner, a Salem notary public, and A. T. Kelliher, a wealthy land speculator of Minnesota, with forgery, and the grand jury later indicted them for the offense. When their case came to trial, Turner turned State's evidence, and the indictment against him was dismissed on motion of the district attorney, because Kelliher's attorneys objected to his testifying until a dismissal was entered. He confessed having forged practically all the signatures to applications covering about 60,000 acres of school lands, upon which his name appeared as notary. Kelliher stood trial and was convicted by a jury, January 4, 1906, and was sentenced four days later to five years in the State penitentiary at Salem. From this judgment he appealed to the State Supreme Court, which reversed the verdict, and the defendant ultimately escaped punishment.



George E. Chamberlain, the Democratic Governor of Republican Oregon, who has saved the State many thousands of dollars by his reform methods of dealing with the school land problems

The two men were accused of operating in a systematic manner in their efforts to acquire title to large tracts of State school lands, but their eagerness to grab everything in sight was the cause of their downfall. So many applications were filed in the names of alleged residents of Salem that the suspicions of Land Agent West were aroused, and upon inquiry it was ascertained that no such persons resided there. A comparison of the signatures also revealed the fact that they had all been written by Turner, who had thereupon acknowledged them before himself as a notary public, in addition to taking the acknowledgments of the fictitious applicants on assignments of certificates, thus establishing a complete chain of title to Kelliher, for whom he was acting.

Of the Kelliher certificates, the holders of about 30,000 acres were permitted to repurchase the land at $2.50 an acre. This concession was made in consideration of their being to a certain extent innocent purchasers. Certificates covering about 30,000 acres held by Kelliher personally were cancelled and his money repaid him, as a result of the State Supreme Court having decided in his favor upon the criminal charge, as he had been vindicated to a certain extent, the proof showing that Turner had procured the "dummy" applications, although Kelliher had advanced the money necessary in making the payments. Chamberlain's action in getting rid of Kelliher in this fashion was a clever business stroke, as the lands held by him were considered the cream of those he had acquired fraudulently, and will at some future date be advertised by the State and sold to the highest bidder, which will easily net the State more than $100,000 by the transaction, even at the low price of $4 an acre, as the amount refunded to Kelliher did not exceed $15,000.

Indemnity selections amounting to 100,000 acres have been made during Governor Chamberlain's administration, and have sold for an average price of $7 an acre. The State has about 100,000 acres of forest reserve base on hand and available for selection. Its price is $8.50 an acre at the present time. Governor Chamberlain has undoubtedly accomplished more genuine benefits to the school fund of Oregon than any of his predecessors, so far as the sale of State school lands is concerned, as he has increased the price of sections in newly-surveyed townships from the old rate of $2.50 an acre to $17 an acre by offering them to the highest bidder, which naturally provokes competition.

From 1903 to 1908, the State Land Board of Oregon had cancelled certificates covering 250,000 acres. Many of these were held by persons who had made fraudulent purchases and were afraid to make further payments for fear of prosecution. Much of it then became available as base for indemnity selections.

When it was found that the applications were bogus, and not made in good faith, the selections were cancelled forthwith by the State Land Board, and the amounts paid thereon as the purchase price were declared forfeited to the State and turned into the school fund. Fully 250,000 acres were found in this condition, the applicants therefor having become alarmed on account of investigations by the Government in connection with the Blue Mountain Forest Reserve frauds, and were afraid to disclose their identity. Had they done so it would have enabled the Federal authorities to locate the holders of the bogus certificates, as the records of the State Land Office at Salem did not indicate who these persons were, and the Government was exceedingly anxious to find this out. As nearly all the 250,000 acres alluded to consisted of school sections in the Blue Mountain Forest Reserve, it reverted to the State, and was afterwards disposed of as base by the latter, at a net profit of $5 an acre, making the State gainer by the operation to the extent of fully $1,250,000.

Immediately after the temporary withdrawal of the Blue Mountain Forest Reserve, F. P. Mays covered 10,000 acres of fine yellow pine timber land in the Maury Mountains with "dummy" applications, using as basis of selection the unsurveyed school sections in the proposed Blue Mountain Reserve. Governor Geer signed the list and caused the selections to be forwarded to the United States Land Office at The Dalles, in full knowledge of the fact that the reserve

Railroad Commissioner Oswald West, who, while State Land Agent of Oregon, uprooted the bogus school land certificate evils

was only temporarily withdrawn, and that the base was not available for selection purposes. When the Register of The Dalles Land Office refused to file the list, Mays insisted that he should, and finally persuaded him to do so, whereupon the State issued certificates of purchase on all the tracts embraced in these selections. They were likewise cancelled by order of Governor Chamberlain, and the amounts deposited thereon covered into the State treasury.

So much has been said concerning my indictment on February 3, 1905, by the Marion County grand jury, that I feel it incumbent upon me to give a brief history of the facts incident thereto. In January of that year, shortly after my conviction in the 11-7 case, I was engaged by residents of California to acquire title to 6,400 acres of State school sections in Klamath County, Oregon. On account of the trouble in which I was already involved with the Government, and realizing that Governor Chamberlain would not tolerate any crooked work in the State Land Office, I determined to obey the laws as well as possible, and with that object in view, and in order to be what I then considered on the safe side, I secured the applicants for the ten half sections in Salem, where it would be an easy matter for the authorities to find out that I was not using any fictitious person in making the applications.

My contract with these applicants contemplated furnishing them the money with which to obtain certificates of purchase, they in turn to assign to me a nine-tenths undivided interest in the lands. In addition, I was to pay them $20 cash, which, with their interest in the land, was considered as making the price of their right equivalent to $100 for each 320-acre tract applied for by them. This I regarded as exorbitant, as the land itself was of comparatively small intrinsic value, having already been applied for several times and permitted to revert to the State on that account. It was certainly far above the prevailing market rate for this class of "dummies."

Upon presenting the ten applications to G. G. Brown, Clerk of the Land Board, together with draft for $2,000, I requested him to apply $200 to each application as a portion of the purchase price. He thereupon notified me that he had received instructions from the State Land Board to the effect that all the applicants would be required to make personal appearance at his office in order to take the necessary affidavit and deposit the money. Not wishing to trust the applicants with that much cash, I obtained ten cashier's certificates from the Ladd & Bush bank in Salem, for $200 each, and made payable to Clerk Brown, and handing one of these to each applicant, told him to present this to Brown at the time of tendering the application.

Calling in the afternoon for my certificates, I was informed that a special meeting of the Board was in session for the purpose of considering the subject of my applications. Upon being thus advised, I immediately repaired to the Governor's chambers, where I found the full Board assembled. Besides Governor Chamberlain, there were present Secretary of State Dunbar, State Treasurer Moore and Attorney-General Crawford. No sooner had I put in an appearance than Governor Chamberlain proceeded to denounce me in round terms for my audacity in coming under the very dome of the capitol building, as he expressed it in vigorous language, and attempting to fraudulently obtain title to 6,400 acres of State School land, by inducing ten persons to commit perjury in doing so. It required no second glance to see that the Governor was decidedly angry, and it was utterly impossible for me to get in a word edgeways in my own defense, as he jumped all over me, declaring that he was aware that I then had in my possession blank assignments already signed and acknowledged, conveying the land to me, and that it was his intention not only to forfeit the money I had deposited as part payment, but also to prosecute me to the full extent of the law for my part in the matter.

I endeavored to explain that I was unaware that I had violated any law, and that it was never my intention to do so, but the Governor refused to listen to anything I had to say, giving me to understand that the less I said under the circumstances the better it would be for me.

After giving the subject careful consideration, however, the Board concluded that affairs were not so bad as their imagination had first pictured, as I was a few days later notified by Clerk Brown that the $2,000 would be refunded upon presentation of orders on him from each of the ten applicants. This I succeeded in doing after considerable difficulty, as all the applicants held me up to the tune of from $10 to $20 each before they would let go, which amount, added to what I had already paid them for their rights, brought me out loser to the extent of from $30 to $50 on each application.

This transaction was later made the basis of three indictments by the Marion County grand jury, under which I am now out on bonds to appear for trial at some future date.

Chapter XXI

Conviction of Congressman Williamson, Dr. Van Gesner and Marion R. Biggs, for conspiracy to defraud the Government of its public lands, after three stubbornly-contested trials—Apprehending a third disagreement of the jury, Heney prepares for a fourth trial of the case—The United States Supreme Court grants Williamson a new trial upon grounds that practically open the doors for all forms of abuse of the timber land laws, and legalizes the "dummy" system of acquiring titles under the Act of June 3, 1878.

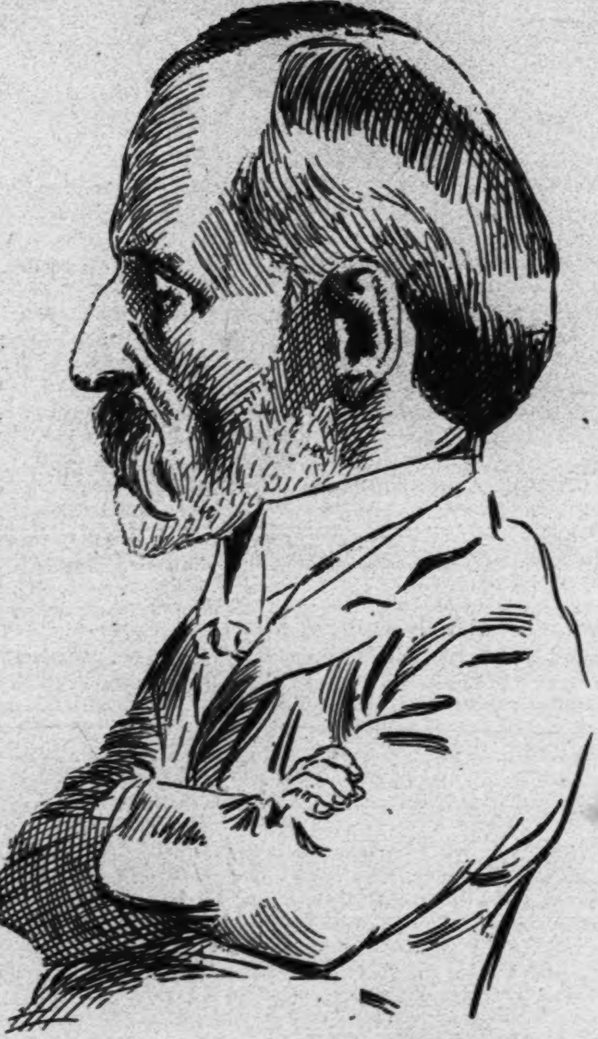
BY reason of the Supreme Court of the United States having rendered a decision granting Ex-Congressman John Newton Williamson a new trial and promulgating a doctrine that amounts to a practical seal of approval on the methods of acquiring Government timber lands by "dummy" process, the case of the United States vs. J. N. Williamson, et al., may be regarded as one of the most important of any in the category of land fraud trials.

On February 11, 1905, the Federal Grand Jury of Oregon returned Indictment No. 2914, charging Williamson (then a representative in the lower house of Congress from the Second Congressional District of Oregon), his partner, Dr. Van Gesner, and United States Commissioner Marion R. Biggs, of Prineville. Crook County, Oregon, with conspiracy to defraud the Government of its public lands, under Section 5440 of the U. S. Revised Statutes.

Williamson and Gesner were extensive sheep owners of Crook County, and it was charged in the indictment that they had been guilty of inducing about one hundred entrymen to file timber claims on a large area of grazing lands in Township 15 South, Range 18 and 19 East, Willamette Meridian, embracing approximately 16,000 acres, for the benefit of the firm, who were to utilize the tract thus acquired as a pasture for their herds. The connection of Biggs with the case grew out of the fact that he was the official before whom the alleged fraudulent proofs were made.

It was set up in the indictment that on June 30, 1902, the defendants had conspired to acquire the lands in question under the Act of June 3, 1878, commonly known as the Timber and Stone law, and in pursuance of this conspiracy had induced the entrymen to commit perjury in making oath that they were taking up the lands for their own use and benefit, and not for speculation, whereas, it was charged that there was an understanding from the outset that the claims were to be transferred to Williamson & Gesner as soon as final title isued. While there was no evidence produced to indicate that any of the claims were ever turned over to Williamson & Gesner, the Government sought to show that the fact that such was the intention on the part of the entrymen constituted an overt act, and was sufficient grounds for conviction, and that it was only necessary to prove an attempted offense of this character in order to bring the accused within the scope of a conspiracy charge. In fact, it was quite well established that while all the arrangements had been perfected in advance for the transfer of title to the firm, its members were deterred from taking further steps in the direction of completing title on account of the publication of a press dispatch from Washington, indicating that Secretary of the Interior Hitchcock intended to take criminal action against all engaged in the "dummy" process of acquiring lands under the timber laws.

At the trial, one of the witnesses testified that he was employed at a livery stable in Prineville, and that both himself and wife relinquished their filings, without making final proof on the land, at the suggestion of Williamson and Gesner, just before the time arrived for making final proof. It seems, according to the



Dr. Van Gesner, convicted with Williamson and Biggs, after three bitterly contested trials

testimony of this witness, that Dr. Gesner came to the stable and took the witness to his office, where Williamson was seated, and told him that he could not let him have the money to prove up, and that Dr. Gesner handed him the newspaper containing the reference to Secretary Hitchcock's contemplated crusade against bogus entrymen.

It appears that this information had the effect of causing the two members of the sheep raising firm to conclude that it would be unwise to proceed any further in the direction of acquiring the titles, and that all the entrymen were advised subsequently to relinquish their claims. The article in question follows:

HITS THE SHARKS.

SECRETARY HITCHCOCK ON PUBLIC LANDS.

Points To Oregon Cases.

Urges Early Repeal of the Timber and Stone Act, and Penalty for Law-Violators.

Bold Words on the Evil of Fencing the Public Domain by Private Interests—New Irrigation Law, Forest Reserves.

Oregonian News Bureau, Washington, D. C., Nov. 23—The recently discovered timber frauds in Oregon are rather widely exploited in the annual report of Secretary Hitchcock of the Interior Department, and held up as a forceful argument for the immediate revision of the Timber Laws. Although the Secretary cites facts and figures heretofore published in the 'Oregonian', he is gracious enough to omit from his official report the name of the State in which these frauds were discovered. His comments, nevertheless, are so pointed and so explicit that they cannot be mistaken. After showing the phenomenal increase in entries in Oregon under the Timber and Stone Act, in the last quarter, over those of the preceding three months, the Secretary says: 'Should this rate of entry continue during the entire year in that State, it would mean the acquisition, in round numbers, of 600,000 acres of timber lands under the Timber and Stone Act, and if the same activity in that class of entries were extended to the other public land States, then before the expiration of two years practically every acre of unappropriated public timbered lands would have been absorbed, and the successful operation of the Reclamation Act of June 17th last rendered doubtful, if its failure be not absolutely assured, for the reservation of public timbered lands that must of necessity be made to assist in conserving the waters to be impounded by the irrigation systems to be established under that act will be defeated or made so expensive by the purchase of said lands from private owners as to greatly delay the completion of the irrigation systems contemplated by that act.'

The reports of the special agents of this department in the field show that, at some of the local land offices, carloads of entrymen arrive at a time, every one of whom makes entry under the Timber and Stone Act. The cost of 160 acres of land under that Act and the accompanying commissions is $415. As many as five members of a family who, it can be readily shown, never had $2075 in their lives, walk up cheerfully and pay the price of the land and the commissions. Under such circumstances, there is only one conclusion to be drawn, and that is, where a whole carload of people make entry under that Act, the unanimity of sentiment and the cash to exploit it must have originated in some other source than themselves.

In all such cases a rigid inquiry will be instituted, to determine the bona fides of the entry, and if it be ascertained that the entry was not made in good faith, but in the interest of some person or persons other than the entrymen, the entry will be promptly canceled and the proper criminal proceedings instituted against the entrymen.

After three stubbornly-contested trials, a jury composed of John Bain (foreman), J. Marcus Freeman, Thomas G. Farrell, James B. Kirke, Frank Bell, H. Donnerberg, Theobald Kirsch, Worth Huston, Dom J. Zan, J. J. Hembree, Charles Agee, and John E. Bailey, returned the following verdict on the night of September 27, 1905:

In the Circuit Court of the United States for the District of Oregon

No. 2914.

The United States of America
vs.
John Newton Williamson,
Van Gesner and
Marion R. Biggs.

Verdict.

We, the jury in the above-entitled cause, find the defendants J. N. Williamson, Van Gesner and Marion R. Biggs, guilty as charged in the indictment, and recommend them to the leniency of the Court on account of previous good character. (Signed:)

JOHN BAIN, Foreman.

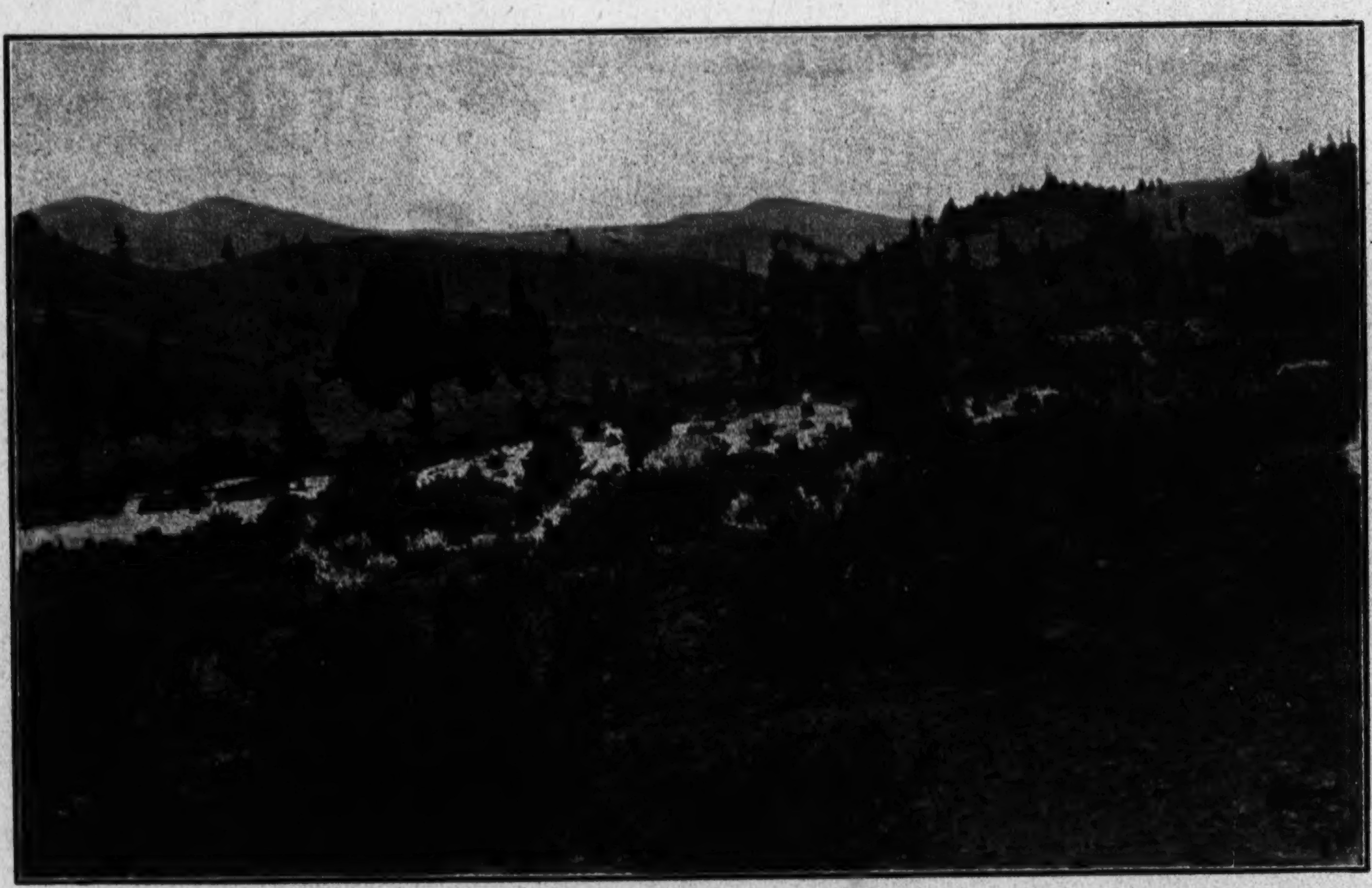
The theory of the Government, as evidenced by the testimony brought out at the different trials, was that the defendants Williamson and Gesner were in the sheep business, and that they had a summer range at a place known as the "Horse Heaven" country in Crook County, Oregon, about twenty miles from the town of Prineville, where they resided, and where Dr. Gesner had for many years been a practicing physician. All the odd sections of the township which constituted their summer range were owned by a wagon road company and for a number of years prior to 1902 Williamson and Gesner had leased several of the odd sections of land from it. They owned the land upon which their shearing plant was located at the summer range and did not own any other land in that vicinity. The wagon road company had uniformly refused to sell any of its lands there. In May, 1902, defendants learned that a rival sheep firm by the name of Morrow & Keenan had contracted to lease practically all of the odd sections of land in the township, and they immediately protested to the agent of the wagon road company against its leasing to their rivals, and insisted that they were entitled to have a lease for all of such odd sections of land themselves. The agent of the wagon road company decided, however, that he must stand by his agreement with Morrow & Keenan. Thereupon Williamson & Gesner immediately employed the County Surveyor to run the lines of the different sections of land in the township for the purpose of determining whether or not the springs and small streams of water located therein were upon the odd or even sections. A rough survey demonstrated that the most valuable springs and streams were upon the even sections of land, which still belonged to the United States.

The township constituted the best summer sheep range in that part of Oregon. It was partially covered by scraggly timber, which had no market value at the time, if at all. In many places there were long stretches of splendid grazing land upon which there was not a stick of timber of any account. The defendants, Williamson and Gesner, immediately planned to secure all of the even sections of land which contained springs or running water so as to control this entire summer range. In June, 1902, they applied to the bank of Prineville for a loan of $3,000, which they secured, and a few months later they applied to the bank at The Dalles, Oregon, for a loan of $6,000, which they also got. All of this money was advanced by them to the applicants in payment to the Government for their respective purchases of land. Gesner employed Biggs to attend to the matter of securing applicants for him and of filing them upon the land. Biggs was a practicing attorney and was a United States Court Commissioner at Prineville. According to the prosecution, the evidence showed that forty-five applicants filed upon lands selected for them in the township within a period of about two months.

On Saturday morning, October 14, 1905, Judge William H. Hunt, of Montana, who had presided at the last trial, imposed sentences as follows: J. N. Williamson, to pay a fine of $500 and be imprisoned in the Multnomah County jail ten months; Dr. Van Gesner, to pay a fine of $1,000 and be imprisoned five months, while Biggs got off with the same sentence imposed upon Williamson.

After various appeals, in which the verdict was sustained by the Circuit Court of Appeals, two of the defendants—Gesner and Biggs—submitted to their penalties, while Congressman Williamson appealed his case to the United States Supreme Court on constitutional grounds. Counsel for Williamson protested against the Court passing sentence upon him, and especially to any sentence of imprisonment, on the ground that thereby he would be deprived of his constitutional rights as a Congressman. This was based upon the first clause of Section 6, Article I, of the Constitution, which provides:

> Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech, or debate in either House, they shall not be questioned in any other place.



A Government exhibit in the Williamson case, showing character of land located under the timber laws

In its decision rendered January 6, 1908, the United States Supreme Court held that Williamson's plea of exemption from prosecution was without merit, and sustained the validity of the indictment under which he was tried in every feature. He was granted a new trial, however, upon his exceptions to the introduction of evidence showing that contracts and agreements had been entered into between the defendants and the entrymen *after* the filing had been made, whereby the claims were to be transferred to Williamson & Gesner upon the issuance of final certificate. Upon this particular point the tribunal ruled in effect, that the lower Court erred in permitting the introduction of such testimony, and virtually held that while it was contrary to the law for an entryman under the Timber and Stone Act to enter into any agreement to sell the land embraced in his entry *before* filing, he could do as he pleased with his claim afterwards. The decision, in short, amounted to a notice to the world that no matter what understanding there might be as to the subsequent disposition of timber lands, so long as it could not be proved that the tract had been taken up for speculative purposes at the date the entry was filed, no law was violated.

Without considering the question of the guilt or innocence of the defendants, all of whom are highly respected citizens of Crook County, it will be seen that the decision of the Supreme Court practically nullifies every effort of the Land Department to prevent the acquisition of timber lands for speculative purposes, and throws down the bars to indiscriminate abuse in that regard. Considered from any standpoint, it was a vicious interpretation of the law, and it is to the credit of Justice Harlan that he refused to acquiesce in the ruling.

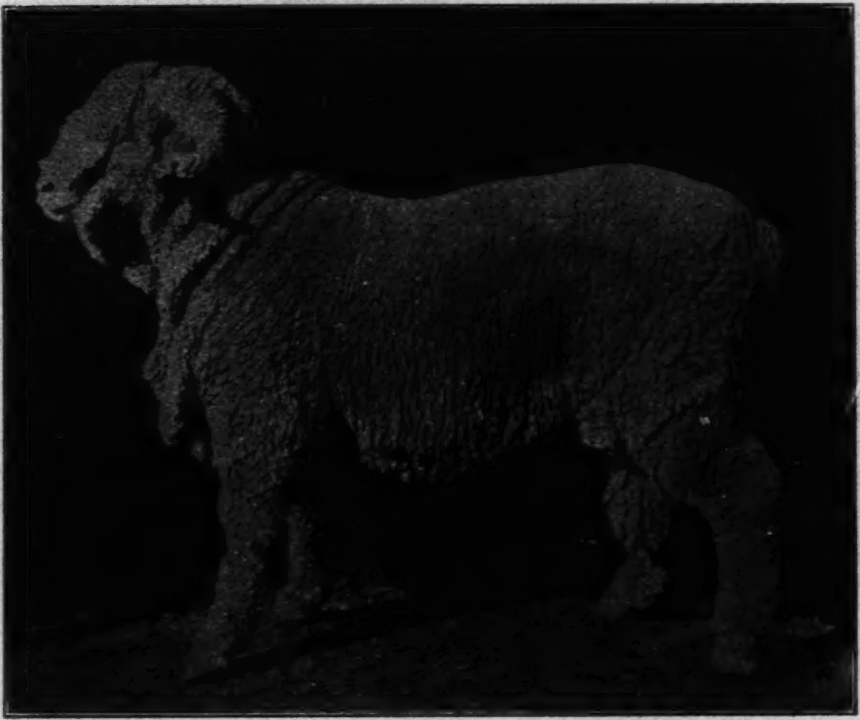
While the Government officials maintain that enough evidence was introduced at the trial of defendants to prove that there was a clear and distinct understanding before the filings were made that the entrymen were to transfer their claims to the firm of sheepmen, and that Mr. Williamson could be convicted without the necessity for the introduction of testimony to show that they were to do so after final proof, it is believed that there will not be any further prosecution of the case, but that the Government will be satisfied to try the Ex-Congressman jointly with Binger Hermann in what is commonly known as the "Blue Mountain Forest Reserve Case," which is scheduled to come up at the next term of the Federal Court in Portland.

The three trials of the trio of defendants were remarkable in several distinct features, the most noteworthy, perhaps, being illustrative of the bulldog tenacity of Francis J. Heney, the Government prosecutor. The juries in the two preceding cases had failed to agree, and Heney was apprehensive that the third trial would result in like failure. The case went to the jury about midnight, and while the body was deliberating upon a verdict, Mr. Heney and Thomas B. Neuhausen, Special Inspector of the Department of the Interior, who had worked up the evidence against the accused, were in consultation in the private rooms of the United States Attorney's office, preparing for a fourth trial, which they intended to press immediately the next morning in the event of another disagreement. While the two zealous officials were in the midst of these deliberations, a messenger brought the news that a verdict of guilty had been returned.

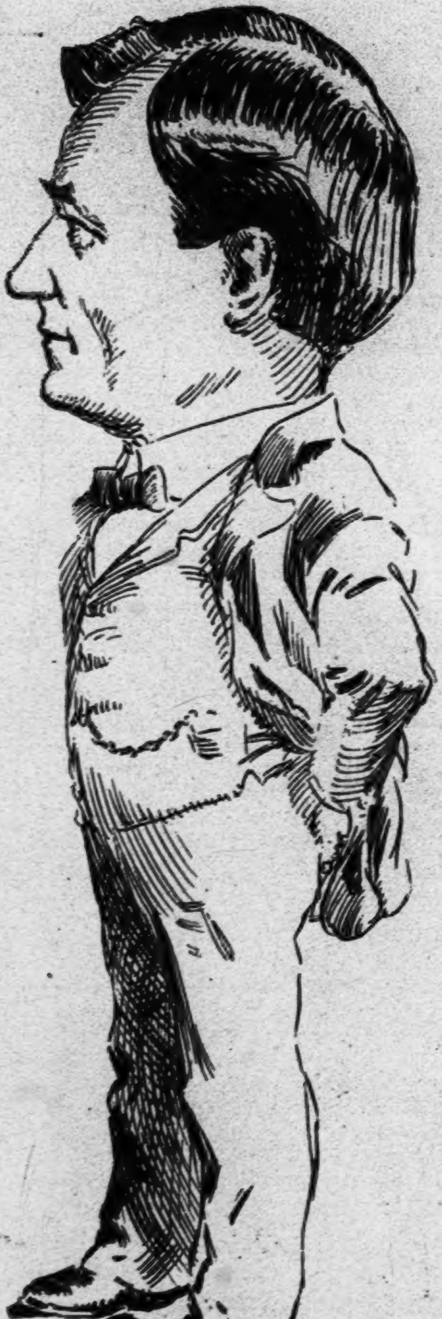
A woman's intuition was the cause of the prosecution against Congressman Williamson and his associates. Mr. Neuhausen, while occupying the position as Agent in Charge of Special Agents for Oregon—an office since designated as "Chief of Field Division"—with headquarters at The Dalles Land Office, had received instructions from the Commissioner of the General Land Office to investigate the status of the various entries embraced in the two townships, so many sworn statements, or timber applications, having been filed almost simultaneously as to arouse the suspicions of the authorities in Washington. In the course of his investigations, Mrs. Neuhausen assisted her husband in many ways, her knowledge of the land laws and familiarity with the methods of acquiring title to public lands being of immense benefit to him. While going over the accounts and records of the local Land office, Mrs. Neuhausen made the discovery that the checks in nearly every instance that had been transmitted to the Receiver at The Dalles Land Office as payment for the different tracts, had been issued in the name of Dr. Van Gesner on a Prineville bank, and further inquiry led to the discovery that Dr. Gesner was a member of the sheep raising firm of Williamson & Gesner.

It developed, upon investigation by Mr. Neuhausen, that while the lands were being taken up under the timber act, they were almost invariably bereft of standing timber of any commercial value, and were chiefly valuable for grazing purposes. Putting these circumstances together, he concluded that a fraud of huge dimensions was about to be perpetrated, and succeeded in obtaining confessions from a number of the entrymen, many of whom were employees of Williamson & Gesner, who admitted locating the lands in the interest of the stock raisers. A quantity of photographs were also secured, taken at different points in the two affected townships, nearly all of which indicated that the "timber" on the claims consisted for the most part of sagebrush and other undergrowth. These photographs were introduced in evidence, and formed part of the Government's exhibits in the case.

The defendants were represented in Court by Judge A. S. Bennett and H. S. Wilson, of The Dalles, and George W. Barnes, of Burns, Oregon.



The "scapegoat" for many bogus timber entries in Eastern Oregon



Congressman J. N. Williamson, of Oregon, who was granted a new trial by the United States Supreme Court from judgment of conviction for land frauds in Eastern Oregon

Chapter XXII

Details of the great Blue Mountain Forest Reserve conspiracy, as outlined at the trial of F. P. Mays, W. N. Jones and George Sorenson—All three defendants are convicted after a trial that broke all records in the Federal Courts of Oregon for longevity—McKinley and Tarpley work a shrewd flim-flam game on Mays, who threatens to "checkerboard" their holdings unless they pay tribute to his autocratic power—Almost the entire Oregon delegation in Congress is implicated in the plot to establish the Blue Mountain reserve, which develops into a clever scheme to convert a large quantity of school land into forest reserve scrip.

ALL the salient features of the Blue Mountain Forest Reserve conspiracy are embodied in an indictment returned February 13, 1905, by the Federal Grand Jury of Oregon, charging John H. Mitchell, Binger Hermann, John N. Williamson, Franklin P. Mays, Williard N. Jones, and George Sorenson with a violation of Section 5440 of the United States Revised Statutes. Mays, Jones and Sorenson were convicted September 13, 1906, for their part in the alleged plot to cheat the Government out of a large portion of its lands, while Hermann and Williamson are yet to be tried.

The defendants were accused of having entered into a conspiracy to defraud the United States out of the possession and use of thousands of acres lying in different States and Territories, by means of a fraudulent plan contemplating the obtaining of title, in the first instance, to about 44,000 acres of State school lands in Crook, Grant, Harney, Malheur, Baker, Union, Umatilla and Wallowa Counties, Oregon, through the use of illegal affidavits and applications, and the subsequent inclusion of such school lands in the Blue Mountain Forest Reserve, thus creating the possibility of their use as a base in exchange for valuable timber lands under the lieu land Act of June 4, 1897.

The story of the conspiracy, if given in all its glaring details, would sound like some astounding tale of fiction. It would show how men of national reputation and political renown had affiliated in a brotherhood of corruption with some of the lowest elements of humanity in an effort to profit by the spoils of a gigantic steal, and if all the facts were made known, they might sound even greater depths of degradation than were reached during the trial.

The idea of creating the Blue Mountain Forest Reserve originated in the shrewd minds of those who saw in President Roosevelt's well-defined policy of preserving the remaining timber of the country for the benefit of future generations a chance to further their own selfish interests. They were aware that nothing would appeal to the Nation's chief executive with such vivid force as the plan to embrace a large area in Eastern Oregon in an immense reserve. On its face it was a legitimate proposition, because the necessity actually existed for measures of protection of this character, inasmuch as there was danger of an extensive body of timber falling into the hands of Eastern speculators through process of fraudulent entry. There was even some local sentiment in favor of creating the reserve, and those at the bottom of the scheme merely took advantage of all the surrounding conditions in order to carry out the general plan of plunder.

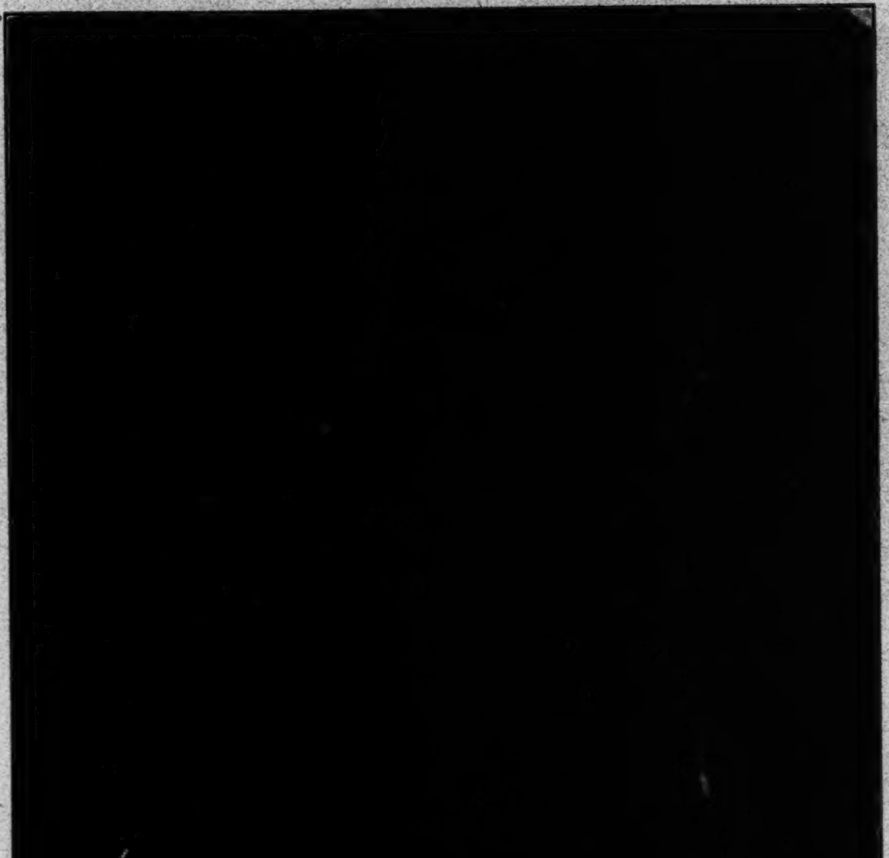
By virtue of their sovereignty, each public land State is granted the 16th and 36th sections of every township within its borders for school purposes at the time of its admission into the union. These are consequently known as school lands. In cases where any portion of a school section becomes lost to the State either by reason of being included in an Indian or Military reservation, returned as mineral in character, or taken under the homestead laws of the United States by a settler before approval of the survey by the United States Surveyor-General, the State is entitled to indemnity therefor, and can select other vacant Government lands in lieu thereof. By reason of the fact that the "base" thus created is available in exchange for other lands, it is clothed with an increased valuation, and at present such base lands are worth $8.50 an acre in Oregon, and are sold by the State Land Board at that figure.

In the case of the school sections within the limits of the proposed Blue Mountain Forest Reserve, however, the situation was different. These sections—or a large majority of them—had been surveyed by the Government and were "in place"—that is, subject to sale direct by the State, and at that time could not be used as the basis of selection for lands belonging to the United States. Inasmuch as a large percentage of the school sections within the limits of the proposed reserve were of comparatively small intrinsic value, being mostly "culls" and worthless tracts, they were still vacant, or unappropriated, and it was principally with reference to these lands that the indictment in the Blue Mountain Forest Reserve case had to do. The only way these tracts could be made available for use as base in making an indemnity selection would be through their purchase from the State by an applicant before the creation of the reserve, and after securing a deed from the State, to then transfer them to the United States and select other lands in lieu thereof. In this respect the school sections would be on the same footing, in the matter of exchange with the Government under the Forest Reserve lieu land Act of June 4, 1897, as any other patented tract, and the holders of title would have then been permitted to make an exchange with the Government for any of its vacant lands elsewhere. The Act of June 4, 1897 was repealed before the Blue Mountain Forest Reserve was finally established, hence the scheme of the conspirators in that regard was defeated, but it accounts for their desperate efforts to secure the creation of the reserve, as there were approximately 44,000 acres of school lands still unappropriated within the borders of the proposed reservation, and these lands could have been purchased from the State at that time for $1.25 an acre, by any qualified person making application for 320 acres. By reason of the system of exchange already described, wherein the tracts thus secured were worth from $5 to $7 an acre as lieu, it is easy to understand the motives that controlled those behind the plot to have the reserve created, as it was simply an attempt to legalize a method of trading silver dollars for twenty-dollar gold pieces.

The evidence at the trial of the now famous Blue Mountain Forest Reserve case developed the fact that F. P. Mays owned a ranch in Tygh Valley, Wasco County, Oregon, and that on July 1, 1901, he had engineered a scheme—through Senator Mitchell—to have a small addition made to the Cascade Forest Reserve. It was shown also, that eventually Mays acquired title to all the vacant school lands in this addition, and the venture proved so successful and profitable that he conceived the plan of having a much larger reserve created. Proceeding upon this idea, a great many "dummy" applicants were procured from the "North End," a notorious district of Portland, who filed applications covering about 44,000 acres of the 16th and 36th sections that were known to fall within the limits of the proposed reserve.

The scheme looked so good to those concerned that eventually Willard N. Jones and H. A. Smith (since deceased) were taken into partnership, as it was believed by Mays that there was plenty to go around among his close friends, and it required considerable united effort to handle such a large project as that contemplated.

In furtherence of the conspiracy, a map was prepared at the United States Surveyor-General's office in Portland, upon which was outlined the borders of the proposed reserve. A blueprint from this map was taken by Smith to Vale, Oregon, where he was met, according to a prior arrangement, by A. G. King,



An exhibit of yellow fir logs ready for the bull donkey then County Clerk of Malheur County, but now a resident of Seattle, Washington. In August, 1901, King visited Portland for the express purpose of consulting with Mays upon the subject of taking steps towards creating the reserve, and in October of that year called upon him again with a similar object in view. During this latter conference, it was arranged between Mays and Smith to pay King $4 per day and all expenses, besides giving him a half-section of school land for his services in circulating a petition for the creation of the reserve, and in working up community sentiment in its favor, as there had to be some show of legality in the proceedings in order to avert suspicion.

In December, 1901, Mays wrote to King at Vale, informing him of his intention to send Forest Superintendent Salmon B. Ormsby up there to investigate and report upon the feasibility of creating the reserve, and for King to meet him in a buggy and show him around. The humor of the situation can be properly understood when it is known that Ormsby had long been a tool of Mays, who was aware that he was "reachable" upon almost any kind of graft proposition. To send the Forest Superintendent upon such a mission is capable of but one interpretation—to pull the wool over the eyes of the public, and make it appear that the scheme of creating the reserve was in the nature of an official recommendation. It will be observed that Mr. Mays was a distinguished diplomat when measures of this character were involved, and that he possessed a wise conception of the proprieties in almost every crooked transaction undertaken by him.

Through the confessions of King during the trial of the Blue Mountain case, it was learned that the County Clerk had sublet his $4 a day contract to a local barkeeper named O. E. Pollock, who was allowed $2.50 a day and expenses for circulating the petitions, and that quite a number of the signatures thereto were very considerately written by this man, as the conspirators were crowded for time, and it was necessary to make as good a showing as possible. It was proved also that Senator Mitchell took a hand in the game by exercising his influence with the Interior Department and General Land Office to expedite the creation of the reserve, and for his part in the proceedings, the Senator was indicted with the other defendants. He died, however, before the case came to trial.

Presumably on the strength of the different petitions and representations, Binger Hermann, who was then Commissioner of the General Land Office, on March 19, 1902, instructed Forest Superintendent Ormsby to examine the land and report upon the advisability of creating the reserve. On April 14, 1902, Ormsby went to Mays' office, and was informed that Smith would accompany him on his tour of inspection, but instead a guide named William Henry Harrison went with the forest superintendent on his tour.

Ormsby returned from his trip May 24, 1902, and reported to Mays. W. N. Jones was also present, and after Ormsby had told what had been accomplished, Mays suggested to Jones that Ormsby should be given two school sections as a reward for his fidelity. At this Ormsby edged towards the door, and upon being followed by Mays, told the latter that he did not wish to talk before Jones, who was a stranger to him, but referred Mays to a Portland attorney named W. M. LaForce, who later went to Mays' office and secured an envelope containing deeds for two sections of school lands, which were to be held in escrow until the reserve was established.

While all these arrangements were being made, the association of get-rich-quick operators received a hard jolt in the shape of direct information that there was a leak somewhere, and that they were likely to experience serious competition in their scheme to corral all the school lands in the proposed reserve. It seems that Dan W. Tarpley was on the most friendly terms with Merritt Ormsby, the son of the Forest Superintendent, and as has been shown frequently heretofore, found a great deal of profit as well as pleasure, in this acquaintanceship. One day in a burst of confidence, young Ormsby told Tarpley that his father was engineering a big forest reserve scheme somewhere in Eastern Oregon, but was not sufficiently on the inside to know exactly what territory it was proposed to include in the boundaries of the new reserve. The mere suggestion of such a thing was enough for the quick-witted Tarpley, however, and he lost no time in apprising Horace G. McKinley of the situation. The pair went on a still hunt, with the result that they succeeded in unearthing the original map that had been prepared at the Surveyor-General's office, and for a consideration, secured a blue print thereof, thus placing them on an equal footing with those who had already gone to much trouble and expense in starting the ball rolling.

The manner in which Tarpley became aware of the proposed reserve is best told by his testimony while on the witness stand during the trial.

"I first obtained information concerning the proposed reserve in April, 1902, from Captain Ormsby's son, Merritt, in his father's office at Salem," testified Tarpley. "It was contained in a letter from the Commissioner of the General Land Office to the Forest Superintendent. After reading it, I took steps to secure the school sections in the limits of the new reserve as described in the letter. I first made a map of the country, and then went to the State Land Board and looked up the vacant sections, finding about 20,000 acres in that condition. I reported these facts to McKinley here in Portland, and he told me about a man named R. S. Hyde, from Wisconsin, who was stopping here, and who agreed to put up $4,000 in getting hold of the school sections. The next day McKinley, Hyde's son and myself went up to Salem and purchased 16,000 acres of this quantity, paying 25 cents an acre down, the majority of the certificates of sale being left in Hyde's hands as security for the money he had advanced.

"The first 16,000 acres McKinley, Hyde, Merritt Ormsby and myself were interested in, and the other 1,500 acres McKinley and myself owned between us. About May 1, 1902, I was told that Mays wanted to see me. When I called at his office, he told me that he understood that I had bought some lands in the Blue Mountain Forest Reserve. I replied that I had, and he said that they were some he expected to buy, and demanded that I should give him one-half of my certificates. I asked him why, and he replied that it was because of the expense of getting the reserve through. I answered that there were about 200,000 acres of school lands within the limits of the proposed reserve, and if each section was assessed upon the same basis as our lands, the cost of getting it through would have amounted to about $500,000.

"Later I met W. M. La Force in the Chamber of Commerce building, and he informed me that Mays wanted to see me again. I told Mays that I would give him a sufficient number of the certificates of sale to amount to 50 cents an acre on all the land I owned, or about $8,500. This conversation must have been before the withdrawal. I made this offer without consulting McKinley."

Although getting a late start in the race, McKinley and Tarpley made up considerable ground by rounding up a sufficient number of "dummies" from the favorite North End precincts to embrace 17,500 acres in applications for school lands within the proposed reserve, which were filed by them at the State Land Office in Salem without much ceremony or delay. They would have taken more had the circumstances justified, but as it was, they gobbled up all they could under a hurry order. Even as it was, several thousand dollars was required by McKinley and Tarpley to swing the deal, and in order to raise this amount, it became necessary for McKinley to keep the wires hot in all directions of the country, as time was exceedingly valuable about then.

Evidently Mays in some way became cognizant of the fact that there was trouble brewing, as he hurried George Sorenson up to Salem with as much dispatch as possible, equipped with a sufficient quantity of "dummy" applications to cover 44,000 acres of school lands, or practically the entire available area. He arrived too late, however, and met McKinley and Tarpley coming down the steps of the State Land Office with their countenances wreathed in smiles that told their own story of a victorious achievement. Sorenson filed claims to all the remaining lands, however, and limped back to Portland, where he imparted the sad news to Mays, who as usual, blamed him for all his misfortunes.

It may be stated in this connection that while Sorenson attended to these details for Mays, and was indicted jointly with the latter and Jones for his connection with the scheme, it is believed that as a matter of fact, he did not profit to the extent of a dollar by the operation, his services in this regard being considerably upon the "Happy Hooligan" order. At all events, Sorenson has never been sentenced, and it is thought that the Government's knowledge of the situation may have had something to do with this exemption.

Mays was furious when he learned about the interference of McKinley and Tarpley, whom he regarded as interlopers, and immediately summoned Tarpley into his august presence. After assuring the young man that he had committed the most unpardonable offense of "butting in" on one of his choicest and most delicate morsels of plunder, he warned Tarpley that unless himself and McKinley yielded up one-half of all the land they had located, he would have their school sections "checkerboarded" when it came to a show-down—that is, omitted from the reserve pretty much after the fashion pursued by the Government in connection with the Santa Fe Railway Company's lands in the San Francisco Mountain Forest Reserve in Arizona, by having only the even numbered sections in the reserve embraced therein, and excluding the odd sections owned by the railroad corporation.

The bluff worked to a certain extent upon McKinley and Tarpley, as it appears they held a consultation upon the subject, and wound up by offering Mays 50 cents an acre upon all the lands they had fished from him, aggregating an amount equivalent to about $8,500.

"Fifty cents, indeed!" fairly stormed Mays. "Why, that wouldn't pay for the two fellows we have in Washington!"

McKinley and Tarpley thereupon made a careful study of their map, and upon ascertaining that it would be impossible for Mays to checkerboard their holdings without impairing his own, advised him to seek a locality famed for the tropical character of its temperature.

As McKinley had to borrow all the money with which to purchase the lands from the State, he was obliged to sell them almost as soon as the certificates were issued by the Land Board. It proved to be a fortunate thing for him in this respect, as he received $2.50 an acre for lands that cost him $1.25, and had the satisfaction of knowing that himself and Tarpley were the only ones that profited to any great extent on the deal, as only a temporary withdrawal of the territory embraced in the proposed reserve was made at first, and pending this condition the Act of June 4, 1897, was repealed, so that when the reserve was finally established, the opportunity had passed for using the school sections as basis of selection for other lands.

Those to whom McKinley sold purchased with their eyes open, as they were well aware that they were taking chances on the reserve being rejected, thus rendering their holdings of no value for lieu. Neither did the tracts possess any intrinsic value, as they were the "culls" of various townships in the proposed reserve, and so absolutely worthless, in fact, that they had never been applied for before. Had there been no repeal of the Act of June 4, however, they would have become available for making forest reserve lieu selections, and commanded a ready sale at from $5 to $7 an acre, as one kind of land would have been as good as any other under such conditions, the Act in question providing that the owner of any tract of patented land in a forest reserve had the option of exchanging his holdings for any unappropriated surveyed Government land on the outside.

Fred A. Kribs was a heavy loser by the operation, as he invested extensively in the tracts controlled by McKinley and Tarpley under the supposition that they were hard up, and that he was obtaining a gilt-edged bargain by squeezing them a little bit.

George Sorenson, one of the defendants in the Blue Mountain Forest Reserve case

Ormsby managed to get in out of the wet also by realizing a net profit of $1,000 on the two pieces that had been donated him by Mays and Jones out of their kindness of heart.

It was the understanding that Senator Mitchell was to receive 2,000 acres for his services in expediting the creation of the reserve, and it is thought that Binger Hermann's stand-in with Mitchell in this connection formed the basis of the indictment that was returned against the ex-Land Commissioner by the Federal Grand Jury. At all events, Hermann and Williamson are soon to be tried under this indictment, Williamson's alleged activity in assisting in the promotion of the reserve being the chief reason for his connection with the criminal proceeding. The creation of the reserve was strongly opposed by the adjacent stockraisers, as well as the mining interests of the different counties affected by its boundaries, and they enlisted the services of Ex-Senator McBride with a view of defeating the measure. On July 27, 1902, Joseph Simon, then a United States Senator from Oregon, wrote a strong letter to Commissioner Hermann on behalf of a number of constituents, protesting against the inclusion in any reserve of certain lands in Malheur County.

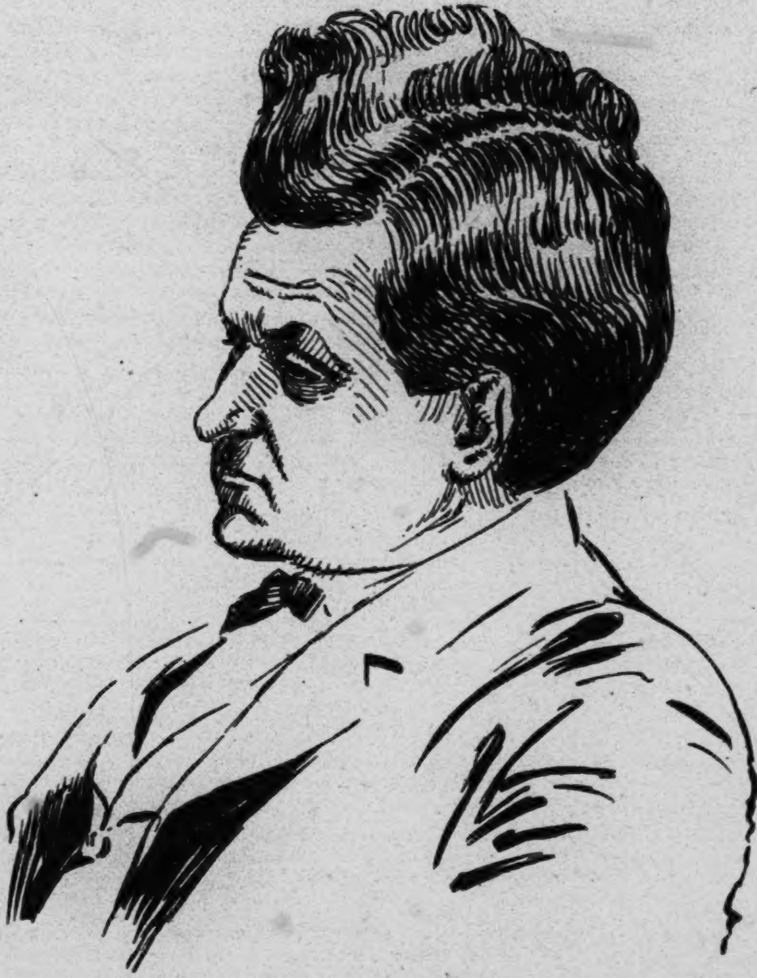
On October 25, 1902, C. A. Johns, a prominent citizen of Baker City, and at one time a candidate for Governor of the State, headed a delegation from Eastern Oregon for the purpose of calling upon Senator Mitchell and protesting against the reserve. Those accompanying Johns upon this occasion were John L. Rand, joint Senator from Baker, Malheur and Harney Counties; J. H. Robbins, a member of the legislature from Baker County, and connected with the First National Bank of Sumpter; N. C. Richards, an attorney of Sumpter; Emil Melzer, of the North Pole mine; Clark Tabor, Mr. Muller and Judge Fassett.

Johns telephoned to Senator Mitchell, making an appointment, and the delegation met him in a reception room of the Hotel Portland. They urged the necessity of having the order creating the reserve revoked, but were informed by the Senator that it would do no good, as the creation of forest reserves was a pet hobby of President Roosevelt. They were likewise told by Senator Mitchell that he had received a petition which he had presented to the General Land Office, asking for the creation of the reserve, and promised to send the delegation a copy of it, but never did.

The order for the withdrawal of the Blue Mountain Forest Reserve from settlement was made by Acting Secretary Ryan on July 23, 1902. Secretary Hitchcock never saw the letter of recommendation written by Commissioner Hermann July 2, 1902, which was introduced in evidence at the trial, and reads as follows:

> Sir: I am in receipt, by reference from the Department, for consideration and appropriate action, of a letter dated June 21, 1902, from the acting director of the Geological Survey, recommending the reservation of lands in Oregon for forest reserve purposes, the said letter being in part as follows:
>
> "2—I recommend that in the Blue Mountains, and the ridges stretching westward therefrom, a reserve be created, extending from southeastern Washington to a point north of Prineville, but broken on the line of the O. R. & N. Company's railroad. This reserve to be known as the Blue Mountain Forest Reserve. The timber consists throughout almost entirely of yellow pine, in an open forest, and its protection will be an aid to the mines in the neighborhood of Baker City, and to agricultural interests in the valley, whose water comes from these mountains."
>
> I now have the honor to transmit a report from Forest Superintendent S. B. Ormsby, recommending the reservation of certain lands in this region, a considerable portion of which have not been so recommended by the Geological Survey. I transmit also two letters from F. P. Mays, of Portland, Or., urging the early temporary withdrawal of the lands proposed to be included within the reserve.
>
> By green shading upon the map, which was submitted by the acting director, I have indicated the additional lands recommended by Superintendent Ormsby for reservation. In view of Superintendent Ormsby's report and the statements contained in Mays' letters, I respectfully recommend that I be directed to make immediate temporary withdrawal of the additional lands covered by Superintendnt Ormsby's recommendation, as well as the lands covered by the recommendation of the acting director, and that Superintendent Ormsby's report be forwarded to the Geological Survey for consideration by that bureau with regard to the advisability of permanently reserving the additional lands therein recommended for reservation.
>
> Very respectfully,
>
> BINGER HERMANN.

According to the testimony of W. Scott Smith, private secretary to Secretary of the Interior Hitchcock, given at the trial of the Blue Mountain case, the advance information that the reserve was about to be established was given out by Commissioner Hermann to the Portland Oregonian correspondent, and did not emenate from the Secretary's office. It developed from the testimony of this witness that Harry Brown, the Oregonian correspondent in Washington, was greatly prejudiced against Secretary Hitchcock, and as a result of a systematic course of misrepresentation concerning Secretary Hitchcock that had been pursued by Brown in connection with his reports to the Oregonian, the correspondent was denied the privilege of the Secretary's office. It was also shown that the news of the withdrawal of the Blue Mountain Reserve lands was wired to the Oregonian on the night of July 22, 1902, the day before the withdrawal was officially made. Brown later admitted on the witness stand that he had secured this advance information from Commissioner Hermann.



Marion R. Biggs, one of the defendants in the Williamson case

The trial of the Blue Mountain case was notable in several essential particulars. It holds the record for being the longest of any land fraud case ever conducted in Oregon, lasting from August 20 to September 12, 1906, with night sessions. The jury brought in a sealed verdict at 1:45 o'clock on the morning of September 13, finding all three defendants guilty as charged in the indictment. On May 3, 1907, Judge Wolverton sentenced Mays to pay a fine of $10,000 and serve four months in the Multnomah County jail at Portland, while Jones was given a fine of $2,000 and a term of ten months in the County jail. The United States Circuit Court of Appeals sustained the verdict of conviction, and defendants Mays and Jones were remanded to the custody of Marshal Reed, but have thus far evaded doing time by reason of having secured a writ of error from Judge Wolverton, staying the execution of sentence. After this proceeding has been disposed of, both defendants will, in all probability, begin serving their sentences, as practically their last hope is gone.

The Government in this case was represented by Francis J. Heney, Special Assistant to the United States Attorney-General, of San Francisco, and William C. Bristol, United States Attorney for Oregon, while William D. Fenton, of Portland, and James D. Fenton, and W. Lair Hill, of Seattle, appeared for Mays; Judge Martin L. Pipes, of Portland, and S. B. Huston, of Hillsboro, for Jones, and Alex. Sweek, of Portland, for Sorenson.

It was unquestionably one of the most bitterly-contested cases yet tried in connection with the land frauds, as the three defendants were ably represented by some of the best legal talent of Oregon and Washington, Judge W. D. Fenton being the chief counsel for the Southern Pacific Company at Portland. He is a man of brilliant legal attainments, and considered one of the ablest lawyers of the Northwest. No man could have fought more earnestly or conscientiously for a client. W. Lair Hill also enjoys a splendid reputation as an advocate, and was in addition a personal friend and former professional associate of Mays at The Dalles. No stone was left unturned in the effort to save the accused, but their guilt was too firmly established by the overwhelming mass of evidence introduced by the prosecution to be overcome by the small amount of testimony offered in their behalf. It was during the course of Mr. Heney's closing argument that some of the most sensational features of the whole case developed. A great crowd had gathered to hear the distinguished prosecutor, and his appearance in the crowded courtroom was the signal for general applause from the spectators, which was checked instantly by the bailiff, Judge Hunt, who presided at the long trial, threatening to clear the courtroom if the offense was repeated.

At one stage of his impassioned address to the jury, Mr. Heney was interrupted by Judge Fenton, and the Government prosecutor retorted rather heatedly:

"It doesn't make any difference, Mr. Fenton, before I get through I will skin you from the top of your head to the soles of your feet."

"If you do," responded Fenton with equal warmth, "I am willing to leave my hide in the jury box where I have six personal friends!"

This was considered an unfortunate remark by Judge Fenton, and was probably made under the excitement of the moment, as it was a reflection, in a way, upon the integrity of the jurors, and one that was evidently not relished by them to any great extent, if their scowling features was any criterion.

George Sorenson has never been sentenced, and it is questionable whether he ever will be, as the Government seems satisfied that he should not have been convicted under the evidence brought out against him in this case, his connection therewith, so far as the testimony went, being that of an agent for the other defendants, and it was not shown that he held any interest in the lands sought to be fraudulently acquired.

Chapter XXIII

John H. Hall's repeated efforts to protect his political associates from criminal prosecution for violations of the Federal statutes results in his conviction for conspiracy in the Butte Creek Land, Livestock & Lumber Company Case, during which a gigantic scheme of inclosing Government land is laid bare—Nearly 20,000 acres of the public domain is inclosed in a vast pasture by the wealthy corporation, but the persistency of Edward A. Putnam, a small stockraiser, in fighting for his rights, is the David that destroys the Goliah of evil—Senator Fulton's name is brought under an unpleasant limelight by the Court proceedings, and the inactivity of former United States Attorney Hall is established clearly by the testimony, especially where those "higher up" were involved—George C. Brownell, the uncrowned king of Clackamas county politics, is absolved from blame by Government Prosecutor Heney, as a result of Henry Meldrum's confessions.

ON February 13, 1905, the Federal Grand Jury of Oregon returned an indictment against John H. Hall, charging him with conspiracy to defraud the Government of its public lands under section 5440, of the United States Revised Statutes. He was not brought to trial until January 13, 1908, and after the case had lasted twenty-three days, the jury, late one Friday night brought in a verdict of guilty, so it would seem that Mr. Hall was up against it all around from a "hoodoo" standpoint.

Hall had been indicted jointly with Winlock W. Steiwer, Hamilton H. Hendricks, Clarence B. Zachary, Adelbert C. Zachary, Charles A. Watson, Clyde E. Glass, Binger Hermann, Edwin Mays, Franklin P. Mays, Clark E. Loomis and Edward D. Stratford, for his alleged connection with the fencing of a large body of Government land in Wheeler County, Oregon, by the Butte Creek Land, Livestock and Lumber Company, of which Steiwer was president, Hendricks secretary and general manager, and Zachary superintendent. A. C. Zachary, Charles A. Watson and Clyde E. Glass were employes of the corporation, and had been drawn into the law's drag net on account of having been used as "dummies" in making bogus homestead entries for the benefit of the Livestock Company. Hermann had been Commissioner of the General Land Office, and was believed to have had knowledge of the illegal operations of the corporation. Edwin Mays was Hall's assistant in the United States Attorney's office at the time the offenses were alleged to have occurred, while F. Pierce Mays, his brother, was attorney for the Butte Creek Company, and had used his influence with Hall to have civil, instead of criminal, proceedings brought against the concern. Loomis and Stratford were the two crooked special agents of the General Land Office who had been sent to investigate the illegal inclosure, and, as usual, found nothing wrong.

By some mysterious process, only Hall and Edwin Mays were placed on trial when the case reached an issue in Court, and while the case was pending, Steiwer, Hendricks and C. B. Zachary entered pleas of guilty and became witnesses for the prosecution. F. P. Mays also took the stand as a Government witness, but developed such a poor memory of events that his testimony was not of much consequence for either side, and in the charity of his heart, special prosecutor Heney dismissed all the remaining cases against him, he having already been convicted in the Blue Mountain Forest Reserve case, and it was thought that the state of his health would not permit any further ordeals of trial. In the course of the proceedings, Mr. Heney also recommended the dismissal of the case against Edwin Mays, upon the ground that the evidence produced did not warrant conviction, so that in the end the former United States Attorney for Oregon was left alone "like some banquet hall deserted."

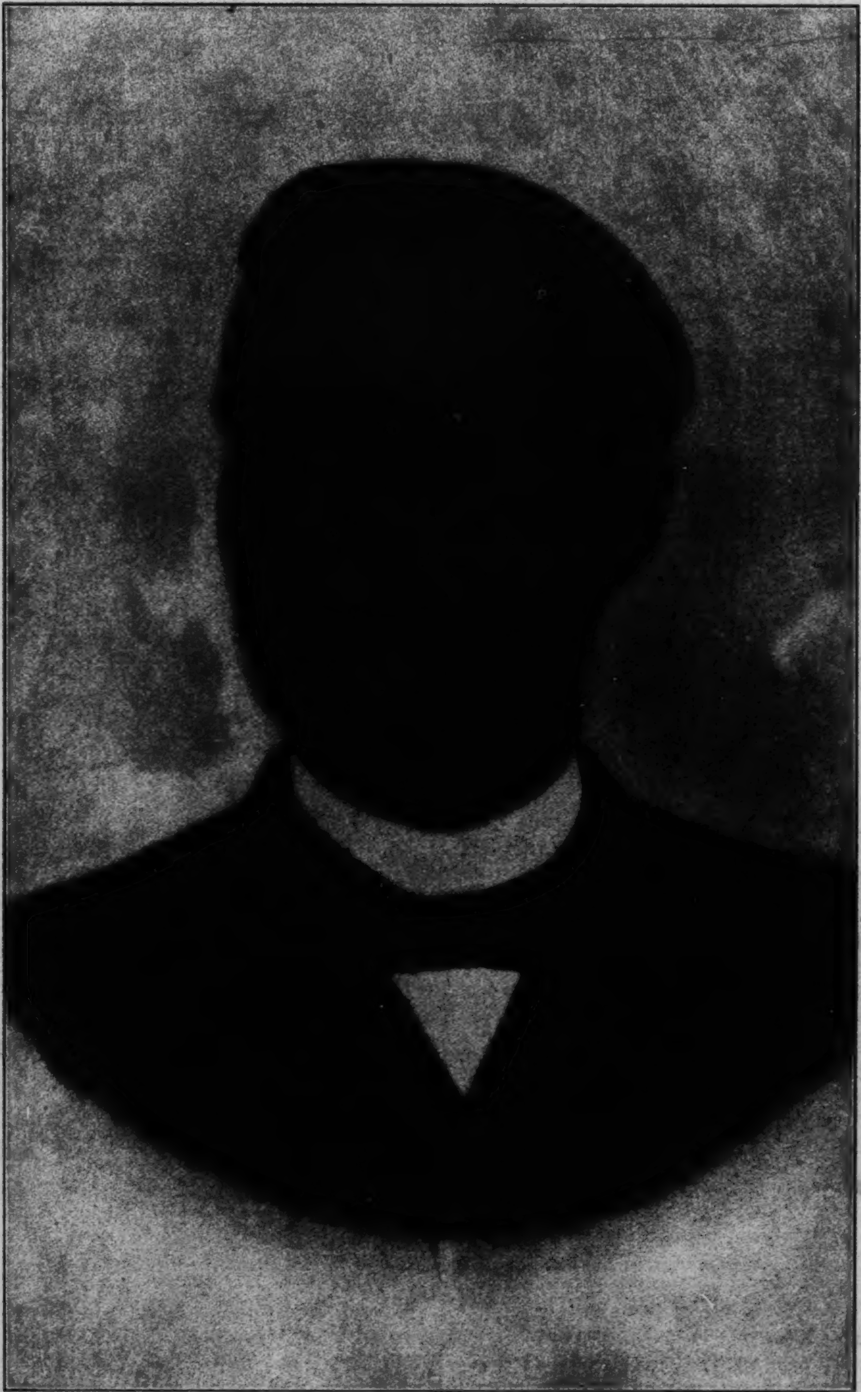
A number of peculiar situations were developed at the trial, and as they all relate more or less to the general system of plundering the public domain, it is just as well to give a brief outline of the circumstances leading up to the indictment.

The town of Fossil, in Wheeler County, Oregon, was the base of operations for the Butte Creek Land, Livestock & Lumber Company, a wealthy concern that controlled a great many commercial and political interests in that section of the country. It had large holdings in the neighborhood, including a general merchandise store at Fossil, was owner of the local sawmill, and besides owned extensive properties in the shape of land thereabouts. In fact, it had full sway in almost every sense, and as usual in such instances, carried things with a high hand.

Adjacent to the conflux of Butte Creek with the John Day river, was a large body of Government land, aggregating nearly 20,000 acres, and valuable chiefly for grazing purposes. It was so situated that by comparatively slight effort, the entire tract could be converted into an immense pasture, at little expense, as a line of "rimrock" (high rocky bluffs) formed an impenetrable barrier for quite a distance, so that all that was necessary to complete the inclosure and thus create a great "porral," was to construct a line of fences connecting the various "rimrock" formations. This had been done by the Butte Creek Land, Livestock & Lumber Company in such manner that individual settlers thereabouts were prevented from enjoying the privileges of the range, and naturally there was much discontent in the community, especially when it is considered that the corporation had men in its employ whose duty was to prevent, by armed force, if necessary, any trespass upon its illegal holdings, or interference with its plan to divert the broad acres to its own use and benefit.

Matters finally reached such an acute stage that early in 1900 Edward A. Putnam, one of those who had settled in the country under the mistaken idea that he would be protected in his rights, began a systematic effort to have the illegal inclosure removed. Putnam naturally concluded that inasmuch as he was an actual settler in the neighborhood, and was endeavoring, in a small way, to get along in life, besides being an American citizen as well, that he had just as much right to the use of the unappropriated lands as anybody else, and only found out his mistake when he attempted to carry out some of his foolish ideas by driving a band of stock onto the disputed territory. Then it was that he was made to feel the iron heel of despotism, and to realize that a poor man has about as much show where a big corporation is involved, as a snowball would for perennial existence in the lower regions.

He was not only threatened by hired thugs of the company, but upon more than one occasion was actually assaulted for his audacity in daring to infringe upon the assumed prerogative of aggregated wealth. This sort of thing became wearisome in time, and as a last resort he told his troubles to Binger Hermann, then Commissioner of the General Land Office. In this respect his efforts resembled an attempt to convict someone for illicit distilling before a jury of moonshiners, as Hermann was about as closely allied to anything inimical to the people's interests as a person could possibly be without too much publicity. After much persuasion, however, he sent Special Agent C. E. Loomis (he of 11-7 notoriety) to investigate the alleged illegal inclosure—with the usual result. Loomis made his headquarters at the residence of H. H. Hendricks, secretary and general manager of the Butte Creek Land, Livestock & Lumber Company, while he was on this mission, and of course was lavishly entertained by his host during his stay in Fossil, so that when the special agent sent in his report to Washington it told of nothing but a philanthropic purpose on the part of the cattle barons.



John H. Hall, former United States Attorney for Oregon, who was dismissed from office and later convicted for shielding his crooked political friends

Hermann was equally ready to believe all this, because Hendricks at one time had been the tutor of his children, and the Commissioner was susceptible to sympathetic influences.

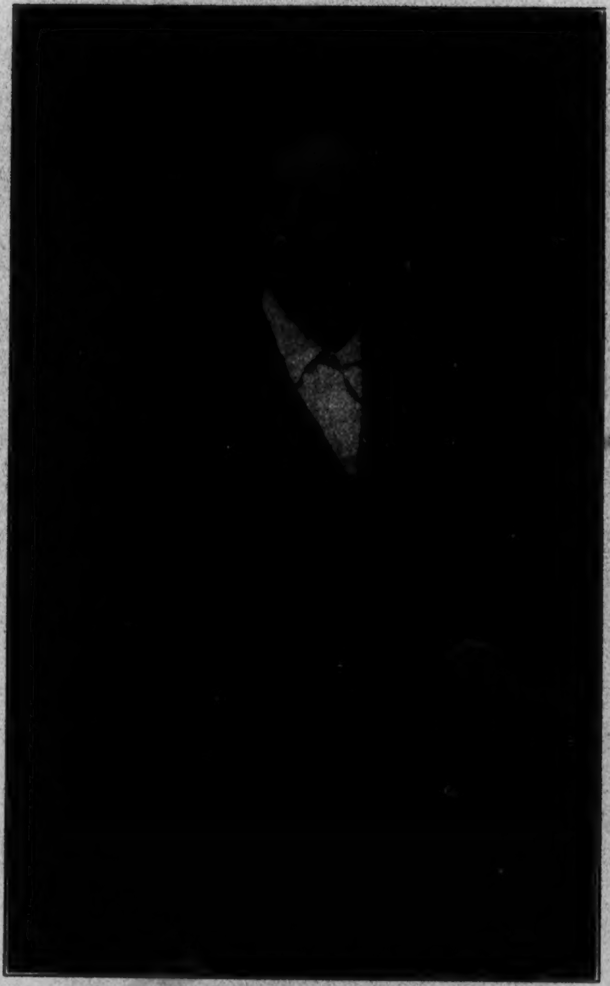
Years went by without any definite results from the numerous complaints of the settlers, many of whom became disheartened and left the country. Not so with Putnam, however. He kept pegging away at the Land Department in Washington until at last Special Agent E. D. Stratford (he of Kribs and C. A. Smith fame) was detailed to investigate conditions. It was the same old story about everything being all right, and again the settlers were left in the lurch, and again there was another exodus from the struggling homesteads. Putnam must have sprung from Revolutionary stock, however, as he never gave up hope—or at least, if he did, it had been replaced by a determination to fight it out on that line if it took all summer.

His letters, crude in composition, but wonderfully impressive, kept piling up in the General Land Office until they became traditions. He sent maps drafted with lead pencil on brown wrapping paper from a country store showing the extent to the depredations, but Hermann was too busy to pay any further attention to them, and in his desperation the aid of the United States Attorney for Oregon was invoked in suppressing the evils. Not being well up in the world on such matters, Putnam thought that anything relating to the Department of Justice was all that its name implied, but he failed to take the fact into consideration that John H. Hall was the United States Attorney before whom his grievances were laid.

The evidence produced during the trial of Hall indicated that about the only active interest displayed in the matter by the United States Attorney was to use the situation as a club for forcing Steiwer—who was a candidate for State Senator—to vote for the election of Charles W. Fulton as United States Senator, it being shown that Hall was an aspirant for re-appointment, and that both Fulton and Senator Mitchell could be relied upon to support him for the position. It was brought out by the testimony of Steiwer himself that Hall had made intimations to him of a nature to convey this idea, and Hendricks testified also that Hall and himself had discussed this feature of the situation at a private conference. At all events, after Fulton had been elected to the United States Senate, in which he was aided by Steiwer's vote—as he only received eleven majority at the legislative session in February, 1903—nothing further was done in connection with the charge of maintaining the illegal inclosure until quite a while afterwards.

At this juncture Putnam and his associates became disgusted with conditions, and finally appealed to Secretary of the Interior Hitchcock. The latter lost no time in ordering an investigation, with the result that Edward W. Dixon, at that time a Special Agent of the General Land Office, but now Chief of Field Division No. 3, was directed to make a careful inquiry into the situation. In their letter to Secretary Hitchcock appealing for aid, the settlers had declared that inasmuch as President Roosevelt had been a "rough rider," it was proper that one of the same type should be sent to make the investigations, instead of some person content to lay around comfortable quarters and take the word of those interested that there had been no violations of law. In this respect, Dixon answered every requirement of the settlers, as he was a man of determined character, in addition to being thoroughly honest and incorruptible. It was such a novelty, in fact, for the settlers to come in contact with him, after their experience with special agents of the Loomis and Stratford stripe, that it became difficult for them to realize that their long and earnest prayers for salvation were about to be answered. His coming, in fact, was on a par with the relief of the beleagured garrison at Lucknow by the Highlanders during the Sepoy insurrection, and was certainly equally as welcome.

Dixon did not let the grass grow under his feet when he found out that the settlers had not misrepresented anything in their complaints. In short, he soon ascertained that they had been extremely modest in that regard, and



Edward A. Putnam, star witness for the Government in the Hall case, whose persistency brought about the suppression of the Butte Creek Land, Livestock & Lumber Company's efforts to illegally inclose nearly 20,000 acres of public land in Wheeler County, Ore

proceeded to lay all the facts before United States Attorney Hall, accompanied by the recommendation that criminal action be taken at once against the officers of the offending corporation, as despite their repeated assurances, they had taken no steps to remove any of the illegal obstructions.

Instead of complying with Dixon's recommendations, Hall brought a civil suit against the company, and in almost the same breath began criminal actions against several stockmen of minor importance who had been guilty of illegal inclosures to the extent of a few hundred acres in each case. Hall's efforts to protect his political associates and shield those "higher up," in this and other respects, eventually caused his removal from office and subsequent indictment on a conspiracy charge.

The testimony at the trial of Hall assumed a wide latitude, the Government being permitted to not only expose the entire scheme of the Butte Creek Company, and by this process implicate the defendant in an effort to protect those "higher up," but was allowed to delve into a great deal of Oregon's political history. It was during the progress of the case that Mr. Heney made his famous speech against Senator Fulton, before an audience that filled the First Congregational Church in Portland to overflowing, in which Mr. Fulton was charged with having handled the sack at the notorious "hold-up" session of the State Legislature in 1897, at which John H. Mitchell sought re-election as United States Senator.

It was shown further from the developments of the Hall case that while he was United States Attorney he had been guilty of shielding those having a political pull, and had used his official position as a menace to those who were standing in the way of his ambitions. In this manner he had caused George C. Brownell, the political leader of the Republican party in Clackamas county, Oregon, and speaker of the State Senate, to withdraw his name as a candidate against Hall for United States Attorney, the latter claiming to be in possession of evidence that Brownell had been connected with the forgery of names to applications for Government surveys. It was proven afterwards, through the confessions of Henry Meldrum, the convicted United States Surveyor-General, that Meldrum had himself forged the signatures, and that Brownell had nothing whatever to do with it, Meldrum having surreptitiously used his notarial seal and attached Brownell's name to the documents without his knowledge or consent. When these facts became known to Francis J. Heney, he recommended the dismissal of the indictment against Brownell, and in conformity therewith Judge Wolverton wiped the case off the docket.

Another instance of Hall's inactivity where influential interests were involved was brought out in connection with the testimony of W. E. Burke, a member of the Oregon Legislature in 1894, who told of being employed by A. B. Hammond in 1899 in connection with William G. Gosslin, Hammond's secretary, when, with Gosslin's assistance, he induced twenty unemployed men that were picked up in the North End of Portland, to file on timber land at the Oregon City Land Office, each of the twenty illegal entrymen being paid $2 for their services. The witness explained that the men did not take the land with the intention of acquiring it for themselves, but did so with the understanding that they were to hold the land temporarily, and to execute relinquishments that were to be filed as soon as Burke and Gosslin received from Hammond lieu land scrip to plaster on the land when it was relinquished. He explained further that representatives of the Northern Pacific were after the same timber land, and that the course adopted by himself and Gosslin was the only means by which they could keep the rival land gobblers from acquiring the desired claims, which adjoined each other in a district of valuable timber.

Burke said that he afterwards related the facts attending the transaction to the United States Grand Jury, which was in charge of Edwin Mays, and by which an indictment was returned October 19, 1899, charging himself, Gosslin and the twenty entrymen with conspiracy to defraud the Government by perjury. He stated also that Senator Fulton, assisted by Henry E. McGinn, a Portland attorney, was employed by Hammond to defend those involved in the indictment.

On cross-examination, Burke admitted that he had never discussed the subject with Hall, although it is evident the latter was familiar with all the circumstances. In answer to another question by Heney, the witness said that Charles H. Carey and F. P. Mays were the attorneys for the Northern Pacific, and that while Hammond did not get the lands that were originally filed upon, he understood that eventually the twenty quarter sections were divided between the rival companies.

William G. Gosslin, who followed, corroborated the testimony of Burke. It was while Gosslin was on the stand that Heney introduced telegrams that had

Edward W. Dixon, Chief of Field Division No. 3 embracing State of Washington and western portion of Idaho, who rendered material aid in uncovering the Oregon land frauds

passed between Hall and Binger Hermann, and also a letter from Hall to Hermann, all relating to the claims that had been filed on by the men in charge of Burke and Gosslin. In the first telegram Hall notified Hermann that the men who had been indicted on the conspiracy charge had offered to compromise the case by forfeiting their filing fees and would execute relinquishments to the land that had been filed on in consideration of a dismissal of the indictment. He asked Hermann what he should do.

With his characteristic shrewdness, the ex-Land Commissioner replied that the case not being before the Department, it was up to Hall to do what the facts and circumstances in the case warranted. But this did not satisfy the District Attorney, who subsequently wrote a letter to Hermann, in which he detailed the circumstances attending the filing on the land and the evidence on which the indictment had been returned.

C. B. Moores, Register of the Oregon City Land Office from October, 1897, to May, 1903, identified a letter dated October 12, 1899, in which he had advised Hall of the suspicious character of the twenty filings that had been made by the men in charge of Gosslin and Burke. Further testimony was introduced by the Government to establish its contention that while Hall knew of the illegal acts he never prosecuted any of the offenders, on account of their pull, and that eventually the indictment against the accused was dismissed.

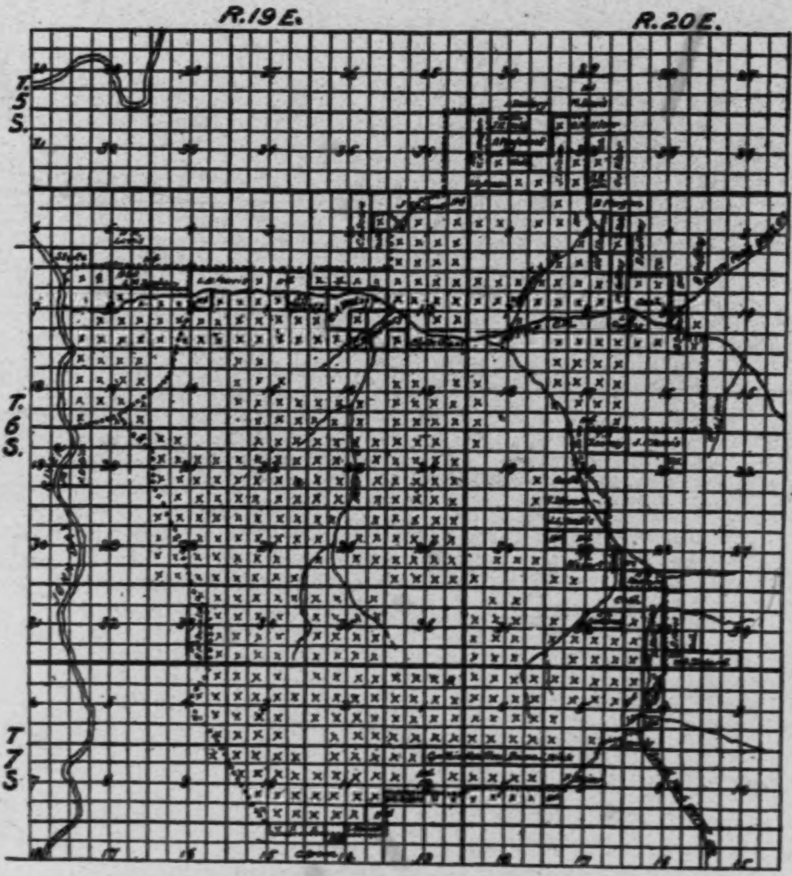
As further proof that Hall had been derelict in his duties, it was brought out at the trial that in the case of Claude Thayer, the United States Attorney had completely ignored the charges of Special Agent Edward N. Deady that Thayer had been guilty of a conspiracy to defraud the Government of a large tract of timber in Tillamook county. The facts as uncovered by Deady during his investigations, and corroborated by abundant proof, were as follows:

In September, 1899, Claude Thayer, president of the Bank of Tillamook and a son of the late Governor Thayer, of Oregon, had induced eighty-eight persons to make timber entries in Township 2 North, Ranges 6 and 7 West, Tillamook county. They were mostly aged persons who were incapable, physically, of making personal examination of the land, as required by law, although they all took the necessary oath that they had inspected each subdivision. It developed during Deady's investigations that Thayer had paid all the Land Office expenses incident to the filings, and nine weeks after the entries were made at the Oregon City land Office, final proofs were offered on each claim. The Register and Receiver were obligated to refuse to issue the final certificates for the reason that Secretary Hitchcock had ordered a suspension thereof in connection with Oregon timber entries until such time as the Special Agents of the Land Department could investigate their validity. Deady had shown that the eighty-eight entrymen in question were under contract to deed their claims to Thayer as soon as final proof was made, and were to receive $150 each for their rights. It had developed also that at the time of offering proof one entryman had made a tender of the $400 purchase price of his claim, the acceptance of which was declined by the Land Office officials, and that he had thereupon handed the amount to one of the other entrymen, who had made the same sort of tender. In this way the one payment of $400 answered the purpose of a tender for the entire eighty-eight claims.

Shortly after this the so-called proof had been made, Thayer saw breakers ahead, and consulted with F. P. Mays relative to overcoming the threatened difficulties. Mays suggested, as a means of throwing the Government agents off the scent, that arrangements should be made with the Northern Pacific whereby the railway corporation should file a selection list covering the lands embraced in the eighty-eight claims. Mays was one of the attorneys for the Northern Pacific, and therefore in a position to make this recommendation. The lieu selections were offered accordingly, but were rejected by the local Land Office as being in conflict with the eighty-eight timber entries, the idea being to cloud the issue to such an extent that it would tie up the land temporarily and have a tendency to prevent bona fide claimants from interfering in the acquisition of title.

In January, 1900, or about a month after the Northern Pacific had attempted to select the lands, Charles E. Hays, a timber locator of Portland, filed contests on all the eighty-eight entries, alleging in his affidavit that the latter were fraudulent, and furthermore that the Northern Pacific lieu selections had been made for collusive purposes. Hays won out on his contest, with the result that the eighty-eight entries were cancelled by the Land Department, and the Northern Pacific, on July 10, 1900, voluntarily withdrew its contest.

These facts were brought to the attention of the Federal Grand Jury by Special Agent Deady, who declared that Hall refused to proceed against Thayer and the others involved, contending that the statute of limitations had run against their offenses. In consequence no indictment was returned, and even if one had been, it would have been futile, as Hall was determined to protect his friend Thayer, and had announced that he would not prosecute the latter, according to Deady's statement on the witness stand. It is interesting to note that notwith-



The accompanying map indicates the illegal fencing of government land in Wheeler County, Oregon, by the Butte Creek Land, Livestock & Lumber Company, of Fossil. It is claimed that 18,360 acres of public lands were embraced in this inclosure, which was used entirely by the big corporation as a pasture to the exclusion of all adjacent homesteaders. Tracts marked with an X, as shown on the map, are unappropriated government lands. The dotted lines indicate the system of fencing employed by the corporation, while the lines noted by the cross-marks represent the "rim-rock," or immense ledges that were used to form portions of the chain fence. The general policy of the company seems to have been to connect the rim-rock with the system of fences by the aid of "dummy" homestead entries, upon which their lines of fencing were constructed as rapidly as the filings were made. For shielding the officers of the company against criminal prosecution, John H. Hall was dismissed from office, and later convicted by a jury in the Federal Court at Portland, Oregon.

standing Hall's contention that the statute of limitations had run against their criminal liability in 1903, when the matter was before the United States Grand Jury, Thayer and associates were indicted September 2, 1905, for the same offense, at the suggestion of Mr. Heney, who held that the criminal responsibility of the accused was still active at that date.

Those involved in this indictment were Claude Thayer, Clark E. Hadley, Maurice Leach, Walter J. Smith (since deceased), Thomas Coates, John Tuttle, Charles E. Hays and G. O. Nolan, all of whom, with the exception of Hays, were prominent residents of Tillamook county. Later the case against Hays was dismissed, as it was established to Mr. Heney's satisfaction that he had never been connected with any fraudulent effort to acquire the lands. On the contrary, Hays filed a motion in Court during the July term in 1906, wherein he claimed the credit of having first called the attention of Secretary Hitchcock to the scope of the Oregon land frauds through Rev. Joseph Schell, a Catholic priest. In his petition asking for a separate trial, Hays set forth many interesting facts in connection with the matter, and as his statements throw considerable light upon the general system in vogue by which large tracts of valuable timber were secured through the "dummy" process of entry, a portion of the petition is presented herewith:

"That in the spring of 1901, and after Alma Baker and others named in the indictment, had filed on the lands set forth in the indictment, I was introduced by Mr. W. G. Howell to C. E. Loomis, then Special Agent of the General Land Office, at which time I disclosed to that Government official the facts that I had learned in relation to the acts of said Thayer, Hadley, Leach, Nolan, Tuttle, Smith and Coates, and requested said Loomis, as such Government official, to make an investigation thereof to the end that said parties might be prosecuted in the Courts of the United States for their unlawful acts; that nothing came of my interview with said Loomis, and in the Autumn of 1901, I went to J. A. Sladen, a Commissioner of the United States Circuit Court for the District of Oregon, and requested from said official a warrant charging said Thayer, et al., with the crime of conspiracy, and was by said Sladen referred to the United States Attorney for the District of Oregon as the proper person to apply for such warrant, and was introduced by said Sladen to Edwin Mays, Assistant United States Attorney for the District of Oregon.

"That I laid the case before said Mays, but he declined to act unless authorized to do so by John H. Hall, then United States Attorney for Oregon, his superior officer; that I went repeatedly to the United States Attorney's office to see Hall, but was always denied an interview, first on one pretext and then another. Knowing of no other official to make application to in order to bring the parties to justice, I furnished, at my own expense, the Rev. Joseph Schell with affidavits and copies of all documents which I had obtained disclosing the conspiracy, who thereupon proceeded to Washington, D. C., and laid the matter before the Department of the Interior, resulting, as I am informed and believe, in the assignment of Special Inspector A. R. Greene to this district for the purpose of investigating the frauds charged against said Thayer, Hadley, Leach, Nolan, Tuttle, Smith and Coates.

"That on August 26, 1902, the day on which I am charged with conspiring with these defendants, I was present at the Oregon City Land Office with Dan R. Murphy, my attorney, and through the latter waived the benefit I might derive through a motion to close the case filed in the contest of Hays vs. Allen (said contest case being one of those referred to in the indictment) and withdrew my motion in order to accommodate the officers of the Government, agreeing that said case might be referred to Edward N. Deady, to take the testimony of contestee therein and his witnesses, Claude Thayer, Clark Hadley, Maurice Leach and Thomas Coates, at Tillamook, Oregon, the Government officials agreeing with me that if said testimony were given before said Deady that the frauds alleged in the indictment would be laid bare, and facts elicited upon which to predicate an indictment as against said Thayer, et al. In order to disclose said frauds and secure indictments, I paid my attorney to accompany said Special Inspector Greene and referee Deady to Tillamook for the purpose of taking said testimony.

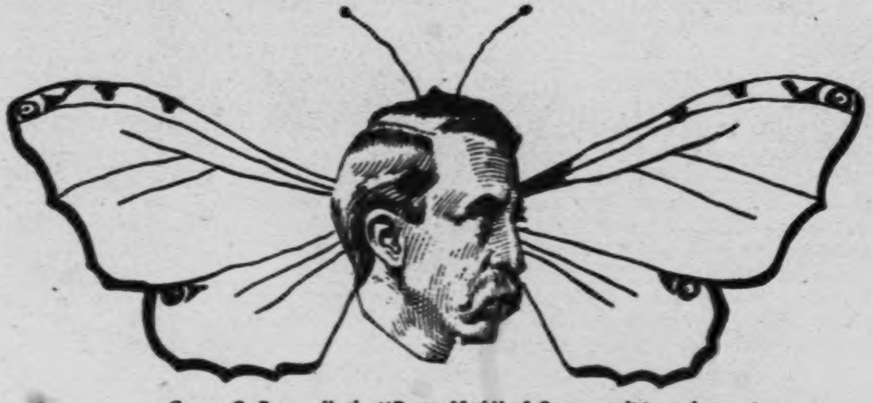
"That in the Autumn of 1902, when the United States Grand Jury for the District of Oregon was examining into the conspiracy charged in the indictment herein, I did all in my power to aid and assist Edward N. Deady, then Special Agent of the General Land Office, in gathering the facts against Thayer, et al., and fully and freely disclosed to him all the circumstances tending to show the guilt of said Thayer, et al., elicited by me during the time I had been contesting in good faith said fraudulent efforts to acquire the lands in question. That I am convinced that if it had not been for my contests and the ceaseless warfare waged by me against the fraudulent entries set forth in the indictment, that the lands described therein would have long since gone to patent, and the unlawful designs of said Thayer and others would have been successful.

"That I have, by every means in my power, endeavored to thwart the unlawful designs of said Thayer, et al., and have, through my contests, procured the absolute forfeiture of $5,356, paid by said Thayer, et al., into the Oregon City Land Office for thirteen claims situate in the same townships and ranges as the lands mentioned in the indictment, besides causing said parties to expend a large sum of money in defending the contests waged by me.

"That said Thayer, Hadley, Leach, Nolan, Tuttle, Smith and Coates are well aware of the steps taken by me to prevent them reaping the harvest they had planned, as above set forth, and by the position I have taken I have incurred the ill will of each and all of them, and any attorney employed by them, if entrusted in the slightest degree with my defense, would, if loyal to them, be compelled to suppress testimony necessary to be adduced to establish my innocence, as such testimony would tend to show the guilt of Thayer, Hadley, Leach, Nolan, Tuttle, Smith and Coates."

Hall was defended by Lionel R. Webster, County Judge of Multnomah County, Oregon, who made a remarkable fight for his client's liberty, but without any apparent effect, as the jury lost little time in finding the ex-United States Attorney guilty as charged in the indictment. An appeal has been taken from the verdict, pending which Hall is out on bonds.

With such marked ability was the defense of Hall conducted by Judge Webster, that Mr. Heney took occasion to compliment the Portland lawyer during the course of his argument, and called attention to the fact that it was the only case in which there had not been more or less friction between counsel for the opposing sides.



George C. Brownell, the "Pretty Moth" of Oregon politics, whose wings were somewhat scorched by too close contact with the land fraud limelight.

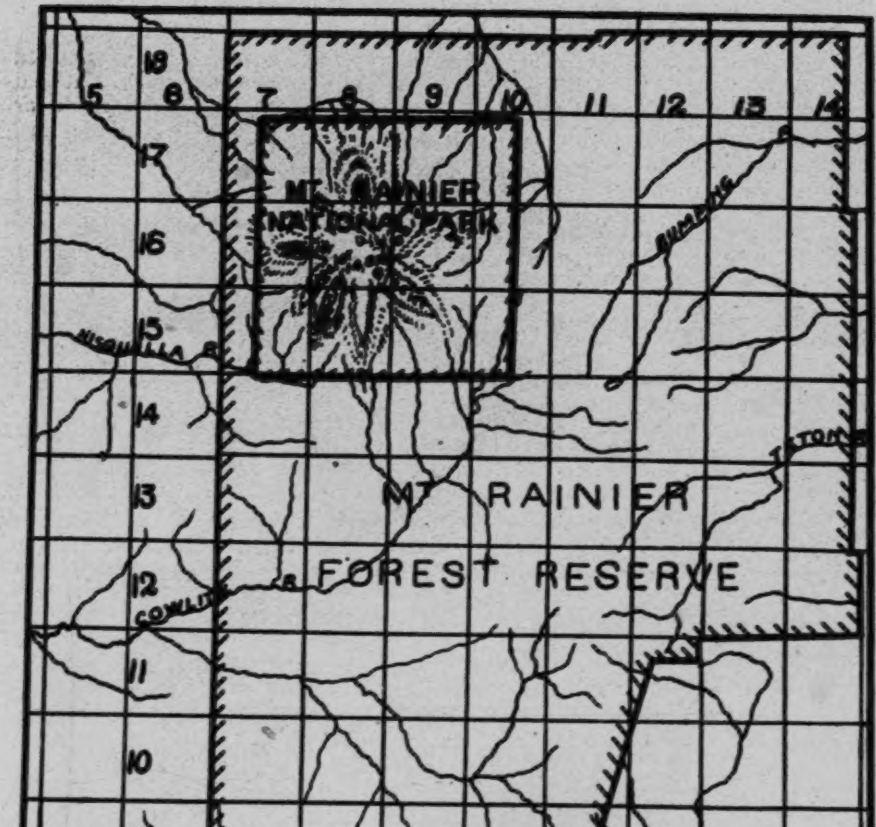
Chapter XXIV

Under the guise of creating a National Park from the bleak territory surrounding Mt. Rainier, Congress enacts a measure giving the Northern Pacific Railroad Company autocratic powers in the selection of Government lands, and enables the Hill corporation to exchange its worthless holdings for valuable tracts in every State penetrated by its lines—How the Land Department, under the Ballinger regime has aided the Northern Pacific with its lieu selections—With less than thirty miles of constructed road in Oregon, the railway company is empowered by Congress to make selection of more than 300,000 acres of valuable timber lands in that State—The bulldozing manner in which settlers are prevented from taking homestead claims.

THE entire idea of making a National Park out of the unprepossessing country surrounding Mt. Rainier, was clever in the extreme. It was the work of a master mind, because there was no more necessity for endowing this region with such exclusiveness than would exist in the contemplation to create National Parks out of every high mountain peak in the country. In short, Mt. Rainier owes its distinction in this respect to the fact that the Northern Pacific Railroad Company owns a lot of land in the neighborhood. Had the Jim Hill corporation possessed the odd-numbered sections adjacent to Mt. Shasta, in California, Mt. Hood, in Oregon, or Mt. Anything, in Anywhere, there is no question but what Congress would have wisely recognized the utmost importance of making National Parks out of them also. Hence, good fortune must have smiled upon Mt. Rainier with peculiar blessings when old Nature itself took a hand in the game ages before anything human was ever dreamed of, and reared the snow-capped summit of the mountain 'mid territory that millions of years later, perhaps, fell within the granted limits of the Northern Pacific.

In no essential particular, however, was the ingenuity of the plan to make Mt. Rainier a National Park more clearly defined than was contained in the cunning arrangement to permit the Northern Pacific to have the right of selection of unsurveyed lands of the United States in exchange for the worthless portions of its holdings in the entire Mt. Rainier Forest Reserve as well as the National Park. This National Park idea was a subterfuge from the start to cloak the real intentions of the corporation, and was calculated to lull the public into the belief that Congress was moved by consideration of deep public interest when it enacted the measure that made the National Park possible.

It should be borne in mind that the Mt. Rainier Forest Reserve was established February 22, 1897—two years before the National Park of that name—and embraced a much greater scope of country. It included all of Mt. Rainier, besides a vast area adjacent thereto, aggregating 2,565,760 acres, of which the railway company owned practically one-half, and while it enjoyed the same rights as others under the Act of June 4, 1897, applicable to forest reserves, and could exchange its lands in the reserve for any unappropriated lands of the United States, it had no exclusive privileges, such as would accrue under a special Act, and it is the purpose to show herein how this seeming obstacle was overcome. In order to circumvent any possible future hostile legislation, and at the same time clothe the great railway corporation with a complete monopoly along certain lines—after the fashion of starting a back fire—the company on March 2, 1899, caused the passage of an Act setting aside a comparatively small


MT. RAINIER NATIONAL PARK
MT RAINIER FOREST RESERVE
NISQUALLA R.
COWLITZ R.
LEWIS R.
BUMPING
TETON
KLICKITAT R.
WHITE SALMON R.
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Map of the Mt. Rainier Forest Reserve, showing the position of the Mt. Rainier National Park, which was created for the special benefit of the Northern Pacific Railroad Company, that the Hill corporation might be enabled to exchange its worthless holdings for the cream of creation.

proportion of the Rainier Mountain Forest Reserve as a National Park. It was a veritable "wheel within a wheel" proposition, and it has never developed why any such action was necessary as a measure of common interest.

So far as Mt. Rainier was concerned, the forest reserve laws protected it fully as much as it could possibly be under the laws governing National Parks, hence the scheme of creating a National Park was in reality a cloak for some hidden purpose. In order to indicate precisely what that purpose was, there is presented herewith the full text of the bill creating the National Park. There is nothing on the face of the measure to show that it had to do with anything except the proper protection of natural wonders that could not be preserved in any other way. Other National Parks were in existence at the time, so what objections could there be to adding to the list? The wonders of Yellowstone are thus guarded; so are those of the Yosemite Valley, the Calaveras Big Trees, and other notable points of interest throughout the country, but then it must be considered that they are marvelous attractions, and besides were not included in any forest reserve at the time of being converted into National Parks. True, the Crater Lake National Park was cut out of the Cascade Forest Reserve, but there are no signs that anybody got the benefit of exclusive privileges by the operation. It is between the lines of the Act creating the Mt. Rainier National Park where its worst features exist—where the "nigger in the woodpile" may be observed in all his sable glory—and it is this phase of the situation that shall be analyzed in detail during the course of this article.

The original Pacific Forest Reserve was located where the Mt. Rainier National Park now is. It included an area about twice as large as the present park and was proclaimed by the President, February 20, 1893. By a second proclamation, February 22, 1897, this Pacific Forest Reserve and a large addition was proclaimed to be the Mt. Rainier Forest Reserve. By act of March 2, 1899, the Mt. Rainier National Park was created. The Mt. Rainier Forest Reserve was withdrawn from settlement March 1, 1898. Recent additions were made March 2, 1907. What was called the Mt. Rainier Forest Reserve is now known as the Rainier National Forest. The law establishing the latter reads as follows:

CHAP. 377.—An Act To set aside a portion of certain lands in the State of Washington, now known as the Pacific Forest Reserve, as a public park, to be known as the Mount Rainier National Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that all those certain tracts, pieces, or parcels of land lying and being in the State of Washington, and within the boundaries particularly described as follows, to-wit: Beginning at a point three miles east of the northeast corner of township numbered seventeen north, of range six east of the Willamette meridian; thence south through the central parts of townships numbered seventeen, sixteen, and fifteen north, of range seven east of the Willamette meridian, eighteen miles, more or less, subject to the proper easterly or westerly offsets, to a point three miles east of the northeast corner of township numbered fourteen north, of range six east of the Willamette meridian; thence east on the township line between townships numbered fourteen and fifteen north, eighteen miles, more or less, to a point three miles west of the northeast corner of township fourteen north, of range ten east of the Willamette meridian; thence northerly subject to the proper easterly or westerly offsets, eighteen miles, more or less, to a point three miles west of the northeast corner of township numbered seventeen north, of range ten east of the Willamette meridian (but in locating said easterly boundary, wherever the summit of the Cascade Mountains is sharply and well defined, the said line shall follow the said summit, where the said summit line bears west of the easterly line as herein determined); thence westerly along the township line between said townships numbered seventeen and eighteen to the place of beginning, the same being a portion of the lands which were reserved from entry or settlement and set aside as a public reservation by proclamation of the President on the twentieth day of February, in the year of our Lord eighteen hundred and ninety-three, and of the Independence of the United States the one hundred and seventeenth, are hereby dedicated and set apart as a public park, to be known and designated as the Mount Rainier National Park, for the benefit and enjoyment of the people; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereafter provided, shall be considered trespassers and be removed therefrom.

Sec. 2. That said public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to make and publish, as soon as practicable, such rules and regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation from injury or spoilation of all timber, mineral deposits, natural curiosities, or wonders within said park, and their retention in their natural condition. The Secretary may, in his discretion, grant parcels of ground at such places in said park as shall require the erection of buildings for the accommodation of visitors; all of the proceeds of said leases, and all other revenues that may be derived from any source connected with said park, to be expended under his direction in the management of the same, and the construction of roads and bridle paths therein. And through the lands of the Pacific Forest Reserve adjoining said park rights of way are hereby granted, under such restrictions and regulations as the Secretary of the Interior may establish, to any railway or tramway company or companies, through the lands of said Pacific Forest Reserve, and also into said park hereby created, for the purpose of building, constructing, and operating a railway, or tramway line or lines, through said lands, also into said park. He shall provide against the wanton destruction of the fish and game found within said park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same after the passage of this Act to be removed therefrom, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this Act.

Sec. 3. That upon execution and filing with the Secretary of the Interior, by the Northern Pacific Railroad Company, of proper deed releasing and conveying to the United States the lands in the reservation hereby created, **also the lands in the Pacific Forest Reserve** which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed, and which lie opposite said company's constructed road, said company is hereby authorized to select an equal quantity of non-mineral public lands, so classified as non-mineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States: Provided, That any settlers on lands in said National Park may relinquish their rights thereto and take other public lands in lieu thereof, to the same extent and under the same limitations and conditions as are provided by law for forest reserves and National Parks.

Sec. 4. That upon the filing by the said railroad company at the local land office of the land district in which any tract of land selected and the payment of the fees prescribed by law in analogous cases, and the approval of the Secretary of the Interior, he shall cause to be executed, in due form of law, and deliver to said company, a patent of the United States conveying to it the lands so selected. In case the tract so selected shall at the time of selection be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a reasonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with the lines of the official survey, the said company shall be permitted to describe such tract anew, so as to secure such conformity.

Sec. 5. That the mineral land laws of the United States are hereby extended to the lands lying within the said reserve and said park.

Approved March 2, 1899.

Could the human mind conjure a more cunning device for flim-flamming the public than is contained in this measure? Consider all phases of the situation, and what is the result? Here was a vast extent of country already embraced within the protecting folds of a forest reservation, and within the limits of which the Northern Pacific Railroad Company owned fully 1,000,000 acres of various kinds of lands—good, bad and indifferent—all available for use as base in the selection of other lands under the Act of June 4, 1897. In order to clothe itself with even greater and more exclusive privileges than were enjoyed under the Forest Reserve Act, the company—through its hirelings in Congress—secures the passage of a law so cleverly drawn that it operates as a blanket in the better protection of the Company's base lands. The process was simple enough after it is understood properly; by creating a National Park within the limits of an established forest reserve, and inserting a sufficient quantity of "jokers" in the measure, making the National Park project possible, the railway corporation is

James Henry Booth, ex-Receiver of the United States Land Office, at Roseburg, Ore., who was removed from his position and indicted on account of too close connection with fraudulent land operations

not only endowed with exclusive privileges, but the scheme is executed in such an artistic manner as to convey the idea that a great public benefit has been accomplished; whereas, the whole thing is a low-down means of granting the Northern Pacific extraordinary powers in the selection of lands in lieu of its worthless holdings in the two reserves. The Act of June 4, 1897, did not give the railway corporation enough margin in this respect, so the National Park idea was played up for all it was worth.

It is evident that from the moment the plot was conceived of making a National Park—and incidentally letting down the bars for the Northern Pacific to get in on the ground floor with its lands in the big forest reserve—the corporation had its hungry eyes fastened upon the rich unsurveyed townships of Oregon, Washington, Idaho, and other States penetrated by its lines. Like charity, this law creating the National Park covered a multitude of sins, and nowhere was this idea more clearly outlined than in the clause that has permitted the company to operate with a free hand in the selection of tracts in townships that were not subject to entry through any other process. Under this privilege the Northern Pacific has filed selection lists covering upwards of 50,000 acres of unsurveyed lands in Oregon alone, with several States yet to hear from. The clause referred to provides as follows:

> "In case the tract so selected shall, at the time of selection, be unsurveyed, the list filed by the company at the local land office shall describe such tract in such manner as to designate the same with a resonable degree of certainty; and within the period of three months after the lands including such tract shall have been surveyed and the plats thereof filed by said local land office, a new selection list shall be filed by said Company, describing such tract according to such survey; and in case such tract, as originally selected and described in the list filed in the local land office, shall not precisely conform with the lines of the official survey, the said Company shall be permitted to describe such tract anew, so as to secure such conformity."

In other words, it is not only given the perpetual right of doing something that none others are allowed to do—file on unsurveyed lands—but is further granted the privilege of cruising everything in the township, and then, if it finds that any mistake has been made in the matter of securing the cream of the timber, it is privileged to float its base around like a bogus Mexican grant and light upon anything in sight worth having! In fact, the whole bill, from beginning to end, is a mass of subterfuge, and to say that the Congressmen who voted for the measure did not know what they were doing or could not see any of its glaring features, is to write them down a lot of asses.

It would have been bad enough, under the most extenuating circumstances, for Congress to have confined the operations of the Act of March 2, 1899, to the Mt. Rainier National Park alone, as the Northern Pacific owned fully 100,000 acres within its confines, and the greedy corporation ought to have been satisfied with that amount of plunder; but that was not the point; the idea was to bring in all the lands owned by the company in the larger area contained in the Rainier Mountain Forest Reserve—aggregating about 1,000,000 acres—and this Congress has succeeded in doing with a vengeance, as may be seen by reference to the third section of the Act creating the Mt. Rainier National Park which provides that "also the lands in the Pacific (Rainier Mountain) Forest Reserve which have been heretofore granted by the United States to said Company, whether surveyed or unsurveyed," shall come under the operations of the law. Those voting for the bill may seek pardon for their offense upon the theory that the law gives actual settlers in the Park the same privileges as those enjoyed by the great railway company, but when it is considered that there never were any settlers in the region, and that, by reason of the rough character of the country, no self-respecting billy goat would even be tempted to try and exist there, the humor of the allusion to "actual settlers" may be fully appreciated. It was merely a sop to pull the wool over the eyes of those members of Congress who voted for the measure in the half-hearted belief that they were aiding a lot of poor homesteaders, when as a matter of fact, they were entirely unacquainted with conditions, and accepted that view of the situation as a drug to their consciences in having become accessory to a highway robbery.

The whole bill is a tissue of deceit from beginning to end, because it is paved with the same kind of good intentions that another place is supposed to be noted for. There is a whole lot of buncombe in it about "preservation from injury or spoilation of all timber, mineral deposits, *natural curiosities*, or *wonders* within said park, and their retention in their natural condition." Any ten-year-old child knows that the only "natural curiosity" or "wonders" in any way connected with the alleged "park" exists solely in the phraseology of the law that created it. Even with this tremendous pull in the weights the Northern Pacific was not satisfied, so what was its next course? Why, its henchmen in the halls of National legislation adopted a protective measure so as to clinch its bargain beyond any question of doubt, and here in the proceedings of the Fifty-Eighth Congress (see pages 4239, 4240 and 4241, Congressional Record, March 4, 1905), we find Congressman Lacey, of Iowa, calling for unanimous consent for the substitution of the statement for the conference report upon the repeal of the forest reserve lieu land Act of June 4, 1897, and its amendments of June 6, 1900, and March 3, 1901. There being no objection, the Clerk read the statement of the Committee instead of the full report, as follows:

> "The Senate amendment provides for the repeal of the Acts of June 4, 1897, June 6, 1900, and March 3, 1901, in so far as they provide for the relinquishment, selection and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve. It also provides for the protection of all contracts heretofore entered into by the Secretary of the Interior on this subject. The amendment to the Senate amendment, insisted upon by the House conferees, protects selections heretofore made in lieu of lands already relinquished to the United States."

This statement was signed by Congressmen John F. Lacey of Iowa, F. W. Mondell of Wyoming, and John Lind of Minnesota, as managers on the part of the House.

Of course there was a long debate on the floor involving the repeal of the obnoxious "Scripper" Act of June 4, 1897. All the big corporations in the country could afford to kill the law, because it had outlived its usefulness, and the next move was to make a grandstand play before the country and pretend to bow to the people's will, and incidentally shut the stable door after the horse was gone. All these proceedings were part of the game to help along the good cause for the Northern Pacific. It was a lot of horseplay calculated to fool the people. By pretending virtuous indignation against the poor, old, wornout Scripper Act—which really never did possess any sincere friends—the schemers in Congress were enabled to throw a protecting arm around all the base belonging to the great railway corporation in the Mt. Rainier Forest Reserve, as well as the Mt. Rainier National Park, and practically give it a free license to do as it pleased with the public domain in those States penetrated by its lines. The Jim Hill road takes its different courses through the State of Washington like the uncertain wanderings of a tangled skein, and yet it has made selection of but 100,000 acres herein; it also traverses Idaho for a considerable distance, and here the records show that 120,000 acres have been selected for the benefit of the corporation; while in Oregon, its few miles of line in that State, extending from Kalama, on the Columbia river, to the City of Portland, gave them a franchise, under the clever wording of the Act quoted above, to select more than 320,000 acres of its best timber! Nor is this intended as any commentary upon the good taste of the Northern Pacific in preferring to make selections in Oregon to other States. It simply goes to show that it was worth while to build that much road in the State, even if it had to let it go to rot, for the divine privilege of acquiring such a vast amount of valuable property, because, had the Northern Pacific lines not penetrated Oregon to some extent, it could not have selected an acre of its magnificent forests in lieu of the worthless, burned-over and logged-off tracts in the Mt. Rainier Reserve and National Park. That is as plain as day, as a careful perusal of the Act will show.

Then comes the question: How could the Northern Pacific make forest reserve selection of lands in any of these States—and particularly unsurveyed lands—when the Act of June 4, 1897, was supposed to be repealed? That is where the fine Italian hand of the Northern Pacific comes in—because Congress, in its passage of the measure repealing the Act of June 4, 1897 (no doubt, inadvertently!) very kindly clothed the Jim Hill corporation with an exclusive right when it provided *"for the protection of all contracts heretofore entered into by the Secretary of the Interior on this subject."* Which means, that the Northern Pacific, having already filed with the Secretary of the Interior proper deeds "releasing and conveying to the United States the lands in the reservation hereby created, also the lands of the Pacific (Rainier Mountain) Forest Reserve which have been heretofore granted by the United States to said company, whether surveyed or unsurveyed," was entitled to select "an equal quantity of non-mineral public lands, so classified as non-mineral at the time of actual Government survey, which has been or shall be made, of the United States not reserved and to which no adverse right or claim shall have attached or have been initiated at the time of the making of such selection lying within any State into or through which the railroad of said Northern Pacific Railroad Company runs, to the extent of the lands so relinquished and released to the United States."

Gold dredger at work near Oroville, Butte County, California. It is claimed a fair profit is made working ground that yields five cents a cubic yard by this process

This clause in the Act of March 2, 1899, has been construed by the Interior Department as a *contract* between the Secretary of the Interior and the railway corporation. If it had been a lawful contract from the start, there would never have been any occasion for laying particular emphasis upon it, as a constitutional provision prohibits Congress from passing any act that will impair the obligations of a contract where the Government is a party; so it would seem that there was some doubt upon the subject, even in the controlling minds of the great railroad corporation, and as the Secretary of the Interior is vested with arbitrary power in the interpretation of these fine points, the next move on the programme was in the direction of making sure that there would be no question concerning the confirmation of selections under the act itself.

This was the situation when James Rudolph Garfield assumed the duties of Secretary on March 4, 1907. Up to that time comparatively few of the Northern Pacific selections had been patented, and those already approved by the Interior Department were based upon the recommendation of chiefs of divisions. In this respect the conclusions of the Commissioner of the General Land Office had a certain amount of influence, and whenever any difference of opinion arose upon the subject, the matter would be brought to the attention of the Secretary, who usually referred it to his legal advisers. During the last days of the Hitchcock administration, there was considerable friction between the Interior Department and the General Land Office, for obvious reasons, and, in consequence, the opinions of Commissioners Hermann and Richards carried little weight. Practically everything was left to the discretion of those close to the Secretary, and where there were no serious objections to a list selecting public lands, it was generally approved without much ceremony.

The situation in regard to some of the rulings of the Interior Department during Secretary Hitchcock's administration may be parenthetically explained by the statement that it was utterly impossible for one man to keep in constant touch with the multitudinous duties of the Deparment. Mr. Hitchcock was obliged to repose a certain amount of confidence in those around him. He was forced from necessity to rely upon the good judgment and integrity of his advisers, and in this he was often deceived. One of those most trusted in this respect was Willis Vandevanter, now a Federal judge in Colorado, but for a long time head of the legal staff of the Interior Department, and the Secretary left much of that branch of duty to his consideration. He prepared most of the important decisions of the Department affecting momentous questions, so that the duties of the Secretary in this connection were merely perfunctory. There is no doubt that had Secretary Hitchcock been in a position to analyze carefully every question coming before him, some of the decisions emanating from the Department during his term would never have been rendered, as no one has ever questioned his honesty of purpose, and his whole official career indicates that he is a man of irreproachable character.

As to Mr. Vandevanter, his connection with the Interior Department is best told in an Associated Press dispatch from Salt Lake, dated December 27, 1906, detailing the proceedings of the Interstate Commerce Commission in its investigation of the methods of acquiring coal lands by the Rio Grande Railroad and its allied companies, the Utah Fuel Co., and the Pleasant Valley Coal Co.

"During the hearing here today, a glimpse of the real power behind the throne was given, when it was stated by Government Land Agents that they had been compelled to see Senator Francis E. Warren, of Wyoming, regarding official business of the Land Department. Senator Warren is charged with having ruled the General Land Office for a number of years. It was his influence and that of Senator C. D. Clarke, of Wyoming, which secured the appointment, during President McKinley's administration, of Willis Vandevanter to be Assistant Attorney-General for the Interior Department. Vandevanter was the legal conscience of the Land Department, and had been attorney for the companies charged with stealing the land."

Coincident with the beginning of the Garfield administration arose a demand from somewhere that a Western man should fill the position of Commissioner of the General Land Office. This office has been a hotbed of intrigue for almost a generation, and it is sad to relate that some of the greatest scandals have affected Western Commissioners, so just why there should have been any extraordinary call for a Westerner under the circumstances surpassess comprehension, unless the explantion is found in subsequent events.

For some reason or other, the sentiment in favor of a Western representative in the General Land Office seemed to center around R. A. Ballinger, the former mayor of Seattle, Wash., a city where the Northern Pacific and other Hill lines controls about everything worth having in a political sense. It has been asserted, in fact, that the law firm of which Mr. Ballinger is a member, has occasionally represented the Hill lines in local litigation, and as Mr. Ballinger himself was "an old college chum" of Secretary Garfield at Harvard, it was but natural that he should be favorably considered. Of course, at first it required a great amount of coaxing to get him to accept the position. He had a worthy precedent in this respect, because it is a matter of record that Caesar thrice refused the crown of Rome, if Shakespeare is of value as a historian, and it is believed that Mr. Ballinger was equally modest—but he got there, just the same.

He finally consented to accept the place upon condition that as soon as he had succeeded in getting the American government—including the General Land Office—in smooth running order, he should be permitted to retire to Seattle—presumably upon his laurels. In the meantime, what has happened? Only this, that during Ballinger's short term of office the Northern Pacific lieu selections have been patented by the wholesale.

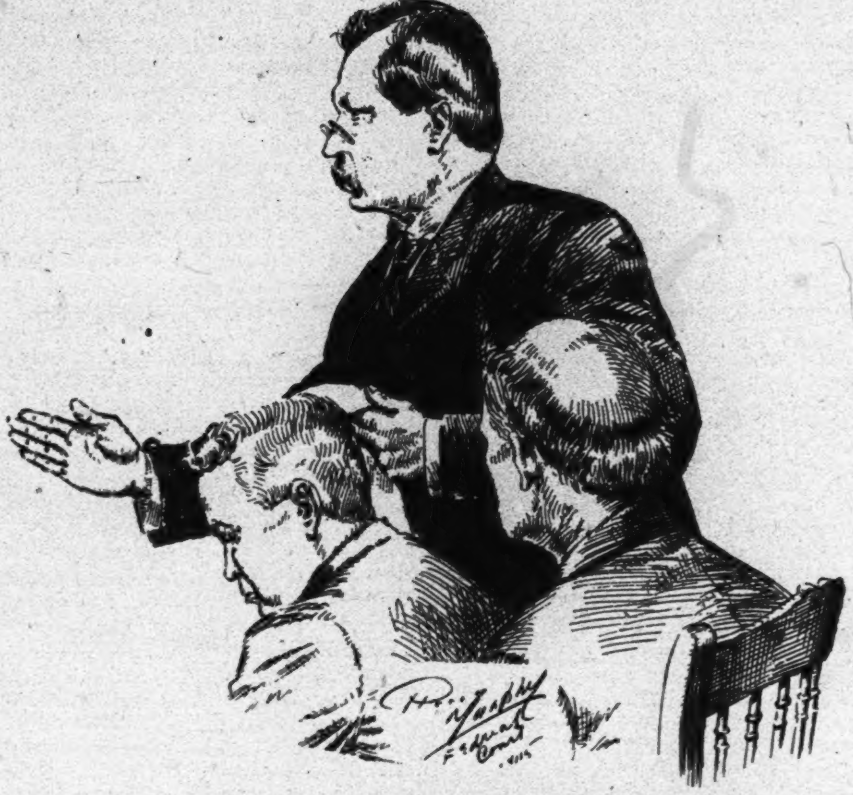
Soon after entering upon his duties, it was shouted in clarion notes by various Washington correspondents, that the new Commissioner was the Moses that was going to lead the poor homesteader out of the slough of despond. With little regard to the law or the significance of prevailing conditions, it was asserted quite freely that the poor, honest settler was going to get his patent without delay, so that he could sell his land and be enabled to live in luxury the rest of his life on the proceeds. It was never brought out in the course of any of these sudden manifestations of assumed virtuous concern, that if a homesteader has faithfully complied with the land laws, and has proven up on his claim and secured his final certificate, that this evidence of title is just as good as a patent for all practical purposes, and that no human power on earth can ever deprive him of his rights.

That wasn't the idea. I have before me the Portland Morning Oregonian of September 3, 1907, wherein is printed more than a column tirade from the pen of Harry Brown, its Washington correspondent, reflecting severely upon Ex-Secretary Hitchcock for his plain duty in suspending a lot of bogus Oregon homestead entries, and proclaiming that it would be Commissioner Ballinger's policy to patent everything where there was no protest. In a little three line sentence at the bottom of this article, Brown made allusion to the fact that all *lieu selections* would also be approved, and I was forced to conclude that his 1,200-word preamble about the benefits that were going to be derived by the poor, honest settler, was merely the cloak to the real intentions of Commissioner Ballinger. It was simply his artistic way of breaking the news gently to the public, little realizing that the American people have heard that sort of buncombe with such religious frequency, that it has ceased to excite comment.

In accordance with the Commissioner's determination, as outlined by press-agent process, Ballinger instructed the Chiefs of Field Divisions in Oregon, California and Washington—and, I presume, elsewhere—to make field investigation of the different homestead, timber and desert land claims within their jurisdictions, and in cases where there was no evidence of fraud, or where no protest had been filed within two years, that the entries should be passed to patent. When this sweeping order was issued, Horace Stevens was officiating as assistant to Special Inspector Thomas B. Neuhausen, who was then Acting Chief of Field Division No. 1, comprising the State of Oregon. In that capacity, all the notices of intention to make final proof on homestead, timber and desert land entries at the various United States Land Offices of Oregon came under his personal observation. Pursuant to instructions from headquarters, these notices of final proof were sent direct to Acting Chief Neuhausen by the Registers and Receivers of the Portland, Roseburg, Lakeview, Burns, La Grande and The Dalles Land Districts. Fully 4,000 of these final proof notices were thus received within a very short time, and as only a limited period was allowed in which to make field investigations, it can be readily surmised how much progress was made in this direction, especially when it is considered that Acting Chief Neuhausen had but seven Special Agents available for that service.

Under cover of the humane spirit displayed by Commissioner Ballinger, in seeking to have the poor, honest homesteader get his patent in a hurry, there was a grand rush from all parts of the State to get aboard before the Government pulled in its gangplank. Instances were numerous where claims were steeped in fraud, and how many escaped detection may perhaps never be known, but a large percentage of those investigated by the Special Agents was found to be bogus, and they only represented a small proportion of the whole, as it was utterly impossible for such a small force as Neuhausen had at his command to consider properly so many claims, situated as they were in remote districts of the State.

At all events, under cover of this seeming concern for the poor settler, the lieu selection lists of the Northern Pacific have been approved without question, until the corporation has practically exhausted its supply of base thrown on the market by the creation of the Mt. Rainier Forest Reserve, and its bi-product, the



A critical moment in the Williamson case, wherein the three attorneys of defendants are shown, with Judge Bennett interposing a strong objection to the introduction of damaging testimony

Mt. Rainier National Park. The Congressional enactment had been so cleverly prepared in the start, and later fortified by Congressional proceedings of a similar character, that the great railway company was granted autocratic power in the selection of tracts in lieu of those surrendered, and clothed with an authority in this respect that was denied individuals or competitors of any kind. In round numbers, the Northern Pacific was privileged to select 1,000,000 acres of Government lands by this process, giving in exchange whatever "culled" or worthless tracts it possessed in the two reservations, and retaining any portions therein that were valuable for their timber.

Of the 1,000,000 acres of base in this condition, about 540,000 acres have been used by the Company in making its own selections; approximately 200,000 acres sold to speculators for selection purposes—for which the Company derived $8 an acre—and 260,000 acres of its lands in the reserves were transferred to the Weyerhaeuser Syndicate at $6 per acre. The latter embraces lands that were considered too valuable to trade to the Government even as exchange for other desirable tracts, being the cream of the forest that was set aside when the Rainier Mountain Forest Reserve was established.

The lands selected by the Northern Pacific in Oregon are today worth $100 an acre, or $32,000,000 altogether; those taken in Washington are equally as valuable, so far as they go, and at $100 an acre are worth $10,000,000; while the 120,000 acres selected by the corporation in Idaho aggregate a total of $7,200,000, based upon a conservative market valuation of $60 per acre. This makes a total of $49,200,000 for its selected lands alone, without counting the $1,600,00 the Northern Pacific received from outsiders for lieu, or the $1,560,000 it got from the Weyerhaeuser Syndicate. It all foots up $52,360,000 that was given the Hill corporation through the kindness of Congress—a sort of present from the people of the United States, as it were—and is a sermon in itself as to the measures liable to be employed by the company to remove all obstacles in the way of getting the selections through the Land Department in Washington, D. C.

Appended herewith is a list of selections made in the Oregon City (now Portland) and Roseburg Land Districts by the Northern Pacific Railroad Company. They aggregate 197,447.33 acres, and constitute the bulk of these selections in Oregon. The balance, necessary to make up the total of 320,000 acres selected by the railway corporation in Oregon, is divided among the four other Land Districts, those in the two named being the most important.

Surveyed lands selected by the Northern Pacific Railroad Company, in the Roseburg, Oregon, Land District:

List No. 2.	Tp. 14 S., R. 3 E., Tp. 25 S., R. 3 W., and Tp. 26 S., R. 3 W.	1,440.00 acres
" " 4.	Tp. 22 S., R. 2 W., Tp. 24 S., R. 10 W., and Tp. 25 S., R. 10 W.	7,361.33 acres
" " 6.	Tp. 15 S., R. 2 E., Tp. 22 S., R. 2 W., and Tp. 26 S., R. 2 W., Tp. 25 S., R. 3 W., and Tp. 26 S., R. 3 W	3,867.53 acres
" " 8.	Tp. 15 S., R. 1 E., Tp. 17 S., R. 1 and 2 E., Tp. 22 S., R. 2 W., Tp., 24 S., R. 10 W., and Tp. 24 S., R. 11 W	4,370.19 acres
" " 10.	Tp. 25 S., R. 10 W.	1,280.00 acres
" " 11.	Tp. 22 S., R. 2 W., and Tp. 22 S., R. 3 W	1,242.72 acres
" " 12.	Tp. 26 S., R 3 W., Tp. 24 S., R. 10 W., and Tp. 25 S., R. 10 W., Tp. 24 S., R. 11 W	7,668.54 acres
" " 14.	Tp. 16 S., R. 3 E.	2,920.00 acres
" " 15.	Tp. 17 S., R. 3 E., and Tp. 22 S., R. 1. W	4,979.95 acres
" " 16.	Tp. 23 S., R. 10 W.	1,160.00 acres
" " 17.	Tp. 24 S., R. 10 W.	2,819.40 acres
" " 18.	Tp. 14 S., R. 2 E., and Tp. 14 S., R. 3 E	3,828.72 acres
" " 19.	Tp. 23 S., R. 1 W., and Tp. 23 S., R. 9 W	1,973.54 acres
" " 20.	Tp. 23 S., R. 9 W.	1,253.82 acres
" " 21.	Tp. 23 S., R. 3 W.	1,600.00 acres
" " 22.	Tp. 23 S., R. 9 W.	960.68 acres
" " 23.	Tp. 23 S., R. 9 W.,	4,052.54 acres
" " 24.	Tp. 16 S., R. 1 W., Tp. 28 S., R. 8 W., and Tp. 28 S., R. 9 W., Tp. 21 S., R. 1 W	3,748.02 acres
" " 25.	Tp. 21 S., R. 1 W., Tp. 28 S., R. 13 W., and Tp. 29 S., R. 13 and 14 W.	5,203.51 acres
" " 26.	Tp. 21 S., R. 1 W., Tp. 23 S., R. 8 W., and Tp. 28 S., R. 9 W.	2,288.97 acres
" " 27.	Tp. 23 S., R. 9 and 10 W.	1,807.18 acres
" " 29.	Tp. 28 S., R. 9 W., Tp. 21 S., R. 1 W., and Tp. 23 S., R. 3 W.	2,028.48 acres
" " 30.	Tp. 22 S., R. 3 W., Tp. 23 S., R. 2 and 3 W	3,375.67 acres
" " 31.	Tp. 23 S., R. 3 and 4 W., Tp. 27 S., R. 10 W	1,844.54 acres
" " 33.	Tp. 15 S., R. 1 W., Tp. 21 S., R. 7 W., and Tp. 16 S., R. 9 W.	2,414.33 acres
" " 37.	Tp. 24 S., R. 1 W., and Tp. 27 S., R. 10 W	1,595.48 acres
" " 38.	Tp. 27 S., R. 12 W.	80.00 acres
" " 39.	Tp. 25 S., R. 9 W.	40.00 acres
" " 40.	Tp. 25 S., R. 9 W.	3,680.00 acres
" " 41.	Tp. 25 S., R. 9 W.	4,280.00 acres
" " 42.	Tp. 25 S., R. 8 W.	1,520.00 acres
" " 43.	Tp. 25 S., R. 9 W.	320.00 acres
" " 44.	Tp. 32 S., R. 2 W.	160.00 acres
" " 45.	Tp. 27 S., R. 2 W.	2,760.00 acres
" " 46.	Tp. 27 S., R. 2 W.	4,080.00 acres
" " 47.	Tp. 27 S., R. 2 W.	160.00 acres
" " 48.	Tp. 27 S., R. 2 W.	120.00 acres
" " 49.	Tp. 27 S., R. 2 W.,	160.00 acres
		94,445.14 acres

Unsurveyed lands selected by the Northern Pacific Railroad Company, in the Roseburg Land District, Oregon:

List No. 7.	Tp. 24 S., R. 9 W.	10,080.00 acres
" " 9.	Tp. 25 S., R. 9 W.	6,960.00 acres
" " 50.	Tp. 25 S., R. 9 W.	160.00 acres
" " 51.	Tp. 25 S., R. 9 W.	160.00 acres
" " 52.	Tp. 25 S., R. 9 W.	320.00 acres
" " 53.	Tp. 25 S., R. 9 W.	160.00 acres
" " 54.	Tp. 25 S., R. 9 W.	160.00 acres
		18,000.00 acres

Surveyed lands selected by the Northern Pacific Railroad Company, in the Oregon City Land District, Oregon:

List No. 2.	Tp. 6 S., R. 3 and 4 E., Tp. 2 S., R. 6 W., Tp. 4 N., R. 10 W.	6,889.53 acres
" " 3.	Tp. 5 S., R. 4 E., and 7 S., R. 4 E.	4,204.47 acres
" " 4.	Tp. 12 S., R. 3 E., Tp. 3 N., R. 7 W., and Tp. 3 N., R. 8 W.	3,379.25 acres
" " 5.	Tp. 8 S., R. 3 and 4 E., Tp. 7 S., R. 4 E.	10,819.77 acres
" " 6.	Tp. 12 S., R. 4 E.	4,074.71 acres
" " 7.	Tp. 12 S., R. 4 E.	6,969.42 acres
" " 8.	Tp. 11 S., R. 4 E.	4,453.04 acres
" " 9.	Tp. 10 S., R. 4 E.	8,252.93 acres
" " 10.	Tp. 11 S., R. 4 E.	5,185.96 acres
" " 14.	Tp. 2 and 3 N., R. 6 W.	3,093.12 acres
		57,322.19 acres

Unsurveyed lands selected by the Northern Pacific Railroad Company, in the Oregon City, Oregon, Land District:

List No. 6.	Tp. 12 S., R. 4 E.	3,680.00 acres
" " 7.	Tp. 12 S., R. 4 E.	9,600.00 acres
" " 8.	Tp. 11 S., R. 4 E.	600.00 acres
" " 9.	Tp. 10 S., R. 4 E.	400.00 acres
" " 10.	Tp. 11 S., R. 4 E.	5,760.00 acres
" " 11.	Tp. 7 S., R. 8 W.	160.00 acres
" " 11.	Tp. 9 S., R. 7 W.	160.00 acres
" " 12.	Tp. 11 S., R. 4 E.	1,440.00 acres
" " 13.	Tp. 7 S., R. 8 W.	5,880.00 acres
		27,680.00 acres

Approximately 1,000,000 acres were in the Rainier Mountain Forest Reserve belonging to the Northern Pacific. One-half of this was covered with a heavy growth of timber, which the company sold several years ago to the Weyerhaeuser Syndicate, before their value was realized, and the balance was used as scrip. Of the above quantity, about 100,000 acres were situated within the limits of the Mt. Rainier National Park, and were absolutely worthless for any purpose whatever, except as basis for the selection of other lands. The Company selected in the State of Washington practically 100,000 acres of yellow fir timber, worth at this time at least $100 an acre, and in the State of Idaho probably 120,000 acres more of white and yellow pine timber valued at from $50 to $100 per acre, while in Oregon 320,000 acres of the finest yellow fir timber in the State was selected, having a market value of at least $100 an acre, 50,000 acres being unsurveyed and considered the cream of the selections. The remainder of their scrip, with the exception of a few thousand acres, the Company sold to speculators throughout the country at a price ranging from $5 to $15 an acre.

That the Northern Pacific Railroad Company has a fondness for grasping opportunities is shown by the fact that not much time was lost in clinching the bargain after the Act of March 2, 1899, went into effect, as the records show

Sample of burnt over lands in the Mt. Rainier National Park, exchanged by the Northern Pacific Railroad Company, for some of the best timbered lands in the State of Oregon that on July 19 of that year the company executed a blanket deed, conveying to the United States all its culled and worthless tracts embraced in the Mt. Rainier National Park and Rainier Mountain Forest Reserve. Some sort of intuition must have inspired this step, because the clause in the Act of June 4, 1897, permitting the exchange of lands situate in a forest reserve for unsurveyed Government lands became inoperative after October, 1899. The fact of the Northern Pacific having relinquished to the United States all claims to a large percentage—the worthless portions, in short—of its holdings in the two reservations, gave the company full authority to sit back and select lands in lieu thereof at its pleasure, and it has since followed this policy at all times.

While individuals are not permitted to make selections under the dead "scripper" law of June 4, 1897, the favored Northern Pacific is allowed to do so, and can take its pick from the cream of all townships, surveyed or unsurveyed, in any State penetrated by its lines. During the period the Act in question was in effect, whenever an individual presented a selection under its provisions, he was required to do so simultaneously with his transfer of the base to the Government. Not so with the Northern Pacific, however. Under the broad and sweeping regulations of the Act of March 2, 1899, arranged especially for the benefit of the corporation, it was kindly granted the privilege of conveying to the Government all portions in the two reserves that it did not want, or had no use for, and then leisurely awaiting developments until it saw something that appealed to its desires! This was not the worst feature of the situation, either; whenever the great railway corporation once feasted its eyes upon a township rich in timber resources, like a hungry pack of wolves inspired by the taste of blood, it would brook no obstacle in the way of acquiring a foothold, and in furtherance of this grasping idea, has been known to harass settlers in every illegitimate manner possible. By bulldozing tactics, no less than fifteen families were frightened out of a surveyed township in Clark County, Washington, upon one occasion, notwithstanding they had made substantial improvements upon their claims, were acting in good faith, and had presented their homestead filings at the local Land Office when the official survey was approved. The Northern Pacific had made selection of the various tracts in accordance with the rights conferred by Congress under the Act of March 2, 1899, and had instituted contests against the settlers, who gave up their possessions rather than take chances against such odds, knowing that they had no show in either the Courts or the Land Department, where it was realized the Northern Pacific had full sway.

In some sections of Oregon, cruisers and guards warn intending settlers away from unsurveyed townships that have been covered by Northern Pacific selections, and around the various United States Land Offices of the different districts in that State, are stationed agents of the corporation who discourage settlers from attempting to find homes within the confines of any region wanted by this grasping octopus.

The fact that the company has adopted such stringent measures discloses in itself that a question exists concerning the validity of titles acquired to such tracts. I am unaware that the issue has ever been determined by any competent legal tribunal, but if the Northern Pacific was really satisfied in its own mind that the Act of March 2, 1899, granting them such exclusive privileges was not special legislation of a dangerous type, and liable to be upset by process of Court proceedings, it is hardly likely that such brutal tactics would be resorted to.

There was one notable instance where the Northern Pacific got badly left in its efforts to grab a whole township of unsurveyed land. This was in connection with Township 15 South, Range 3 East, situated in Lane County, Oregon. Although the entire township had been settled by squatters prior to survey, with a view of filing homestead claims thereon as soon as the survey was approved, the Northern Pacific made forest reserve lieu selection of every acre in the township shortly before it came into market, and sent its agents around to notify the squatters to vacate their claims, threatening that unless they did so the railroad company would contest each entry on the ground that it was more valuable for its timber than for agricultural purposes. Rather than run any risk of a lawsuit with the gigantic corporation, the settlers, who were all poor persons, gave up their claims. As the Act of March 2, 1899, required the company to file a new list to lands that had been selected prior to survey, within 90. days after the survey of the township had been approved, Frederick A. Kribs became aware of this fact, and his stand-in with the Register and Receiver of the Roseburg Land Office enabled him to work a clever scheme on the Northern Pacific and beat the corporation out of more than 20,000 acres of fine timber land.

Kribs knew that as soon as the survey of the township was approved the Northern Pacific would be obliged to file an amended selection, under the term of the Act of March 2, 1899, heretofore quoted. He therefore placed in the hands of Register J. T. Bridges and Receiver J. H. Booth a selection list in his own name, covering the entire township, with instructions for those officers to file the same as soon as the Northern Pacific withdrew its base for the purpose of amendment, in order to conform with the strict lines of the new survey. By keeping in close touch with the survey before the official plat was filed in the Land Office, Kribs had been enabled to secure an accurate description of the lands he wanted, so that when the Northern Pacific withdrew its selection for the purpose of amendment, the officers of the Roseburg Land Office permitted Kribs's selection to have the right of way, and the bold operator thus became the owner of more than 23,000 acres of choice yellow fir timber land, easily worth $50 an acre, at a cost of $6 an acre—the price of the scrip.

It is believed that the Northern Pacific now has in view another base project, almost equally as brazen as its successful effort in connection with the Mt. Rainier National Park scheme. This contemplates the conversion of Mt. St. Helens into a National Park, and the consequent creation of more lieu for the railway corporation. This high peak was originally outside the limits of the Rainier Mountain Forest Reserve, but has since been included therein, and it begins to look as if it were omitted intentionally at first for some ulterior purpose of the character indicated. The fact is, the Northern Pacific finds itself running short of lieu, and something like this has to be done in order to relieve the congestion. Besides, what is the use of keeping a lot of hired men around without any visible means of support?

No plausible reason exists why Mt. St. Helens should not have been included in the Rainier Mountain Forest Reserve in the first place. It was only separated from the southwestern boundary of the old limits by a single township, as the map shows, and as the company owns the odd-numbered sections surrounding it for many miles, and as there are all kinds of golden opportunities to get in on the ground floor with a lot of jokers of the kind that are very much in evidence in the Act of March 2, 1899, the country can expect something in the shape of a duplicate of the Mt. Rainier National Park scheme sooner or later.

It is claimed that all these high peaks in the Northwestern country were active volcanoes during prehistoric days, and if indications count for anything, they are still gifted with eruptive tendencies in the way of belching forth enormous benefits for great and greedy corporations.

At the time I was taken to Washington as a witness for the Government in the case against Binger Hermann, an episode occurred that bears out the ideas I have undertaken to convey herein. On December 27, 1906, I published a statement in the Portland Morning Oregonian, foreshadowing an attack in my forthcoming book upon the methods pursued by the Northern Pacific Railroad Company regarding the Rainier Mountain Forest Reserve steal. That was sufficient notice to put the "faithful" on guard, so that when I reached the National capital in March, 1907, my coming had been anticipated in that respect. Upon arrival there I gave out an interview in the local press, to the effect that it was my intention to take advantage of the situation and gather material for the book, and this was the signal for all hands to be on the alert.

J. F. ("Jack") Kerrigan, the United States Deputy Marshal who escorted Puter to Washington when the land fraud king was summoned as a witness in the Hermann case, and who brought McKinley back from China after a 30,000-mile chase

About two weeks after my arrival, accompanied by Deputy United States Marshal J. F. Kerrigan, who had escorted me across the continent, I went to the General Land Office, equipped with an order from United States Attorney D. W. Baker, of the District of Columbia, for certain data to be used at the Hermann trial. This included the status of the six fraudulent homestead claims in Tp. 24 S., R. 1 E., together with information pertaining to the seven bogus entries in 11-7, acquired by McKinley and Montague. A clerk in Division "P" of the Land Office was sent with us for the purpose of enabling me to secure the data required, and after having obtained this information, I next made inquiry pertaining to the Northern Pacific Railroad Company's lieu selections in Oregon. This was like a thunderbolt from a clear sky to the clerk, and notwithstanding that United States Attorney Baker's order called for this information, objection was raised to showing the Northern Pacific lieu selection records to me that day, upon the plea that the clerk was too busy to do so, and for me to call again. At the time we entered the room where the lieu selections were kept, a person was present whom the clerk declared in our presence was an attorney for the Northern Pacific, and he seemed to manifest considerable interest when the subject of the corporation's selections came up.

On the day following my visit to the General Land Office, I was called as a witness in the Hermann case, and was on the stand at intervals for three days. About three or four days after my first visit, I returned to the General Land Office, still accompanied by Kerrigan, and was asked by Assistant Commissioner Dennett what was wanted this time.

"I desire to finish up the work for which I was given an order several days ago," was my response.

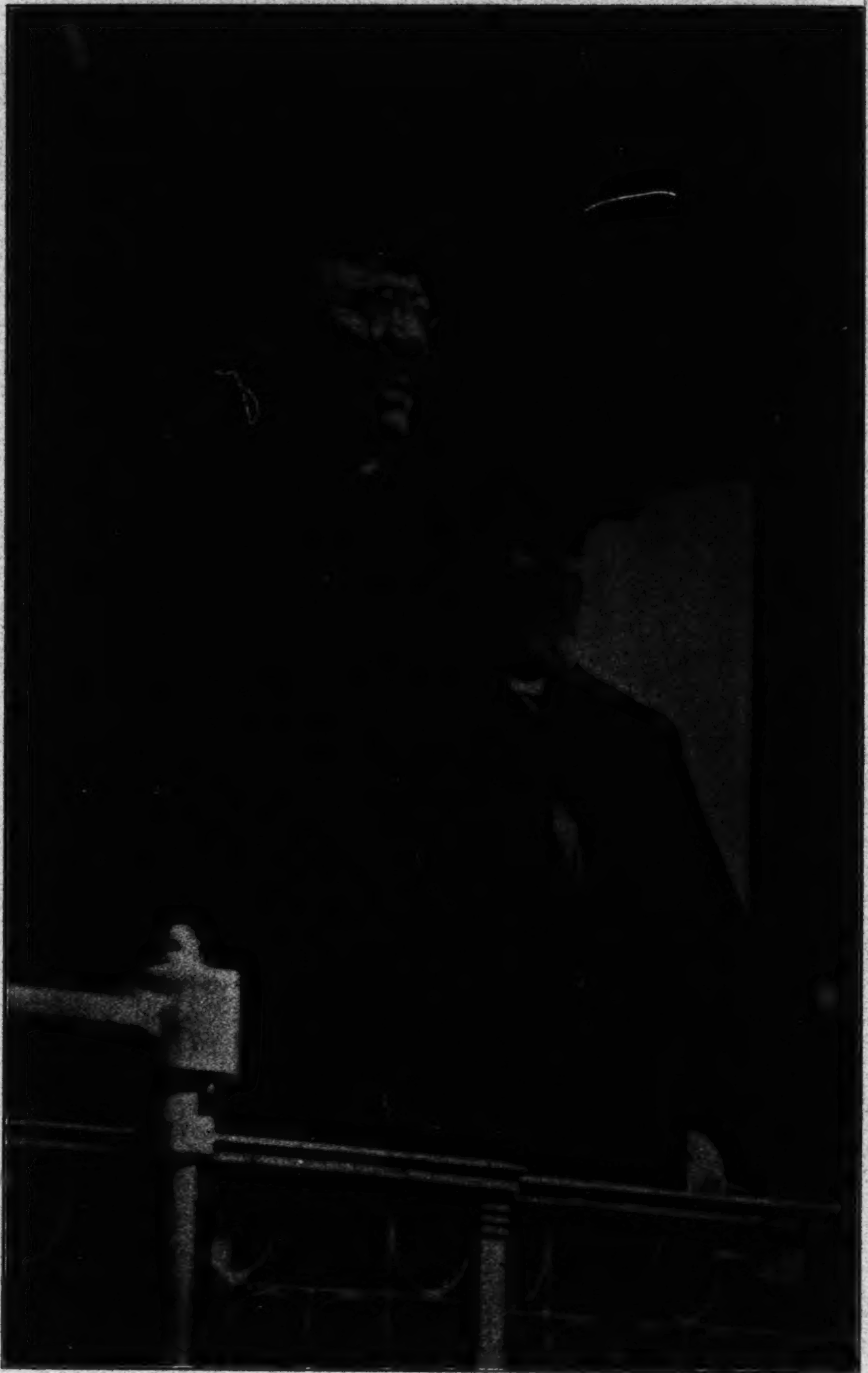
After questioning me very closely concerning the nature of the business, Dennett went into Commissioner Ballinger's private office, and upon emerging therefrom, after quite a long conference with his chief, told me that having testified already in the Hermann case, I would have to get a new order from Baker.

I thereupon returned to the latter's office, and at 11 o'clock the next morning came back to the General Land Office with a new order from the United States Attorney, requesting him very plainly to give me what information was required relative to the Northern Pacific lieu selections, adding that it might be necessary for use in the Hermann trial. The order was delivered to a clerk, who took it in to Dennett.

Dennett came out and questioned me about it, asking me what I wanted the information for. I replied that I was a witness in the Hermann case, and might need the information sought to strengthen my testimony. Dennett then said that he would have to see the Commissioner about it, so taking the order, he went into Mr. Ballinger's office, and upon his return, informed me that the matter would have to be taken up with the Secretary of the Interior, and for me to come back at 2 o'clock that afternoon.

About half an hour later I met the clerk in the hallway of the Court house where the Hermann case was in progress. He held in his hand the same envelope I had given him from Baker. Deputy Marshal Kerrigan, who had formerly been a member of the Portland detective force, called my attention to this fact, and will corroborate me upon the point. The clerk went into Baker's office, and we heard them wrangling over the matter for several minutes, with the result that Baker told the clerk in unmistakable language that the Commissioner would have to let me have what I wanted.

At the hour appointed, Kerrigan and myself went back to the General Land Office, and into the same room we had been before, where we again noticed the Northern Pacific attorney. He endeavored in every possible way to ascertain what I was doing, even going to the extent of audacity by peering over my shoulder while I was at work on the lieu selection records, and I had to move in order to avoid him.



The picture that elected Binger Hermann to Congress

HISTORY OF THE PICTURE THAT ELECTED HERMANN TO CONGRESS.

One of the most brazen efforts to gain cheap notoriety ever recorded is portrayed in the illustration, revealing President Roosevelt in the act of delivering a rear-platform speech, with Binger Hermann, the disgraced former Land Commissioner, standing complacently by his side, as if ordained to assist in courting the plaudits of the multitude.

Those unfamiliar with the relations existing between the two at the time would very naturally assume that the Ex-Commmissioner of the General Land Office was the favored companion of the President upon this auspicious occasion, and that the Chief Executive found an affinity-like pleasure in his presence. As a matter of fact, he was simply a skeleton at the feast, and had appeared unbidden upon the scene at a moment when the photographer for a local newspaper was about to snap his camera.

During President Roosevelt's tour of the West in the Spring of 1903, his itinerary included a visit to Portland, Oregon, and by some unexplained hocus-pocus, Hermann, who resides at Roseburg, in the southern part of the State, and was a candidate upon the Republican ticket for representative from the First Congressional District of Oregon, had smuggled himself on board the Presidential train, and with an exhibition of that rare quality of pure and unadulterated audacity that has invariably been the Ex-Land Commissioner's principal stock in trade, had ensconsed himself in the private car of Mr. Roosevelt, who, but a short time previously, had unceremoniously ousted Hermann from office on account of his crooked transactions.

As the train moved into the depot at Portland, a vast concourse of citizens had assembled to pay its respects to the distinguished visitor, and, in response to the popular demand, the President appeared upon the rear platform and proceeded to deliver one of his characteristic addresses. At this juncture, H. M. Smith, a member of the art department of the Evening Telegram, set his camera in position, with a view of taking an interesting scene. The arrangements of the photographer were not lost to the eagle eyes of Mr. Hermann, who discerned in the situation a golden opportunity for retrieving his rapidly fading political fortunes.

With an acumen worthy of a better cause, Hermann timed his arrival coincident with the photographer's operations, and the two men are shown as if on terms of the utmost intimacy.

Not content with the veneering of fame thus obtained, Hermann had enlarged copies of the picture circulated broadcast throughout his Congressional District, with the result that he was triumphantly elected, as President Roosevelt has always been such a popular idol in the Oregon country that Hermann's constituents were under the impression they were doing the Chief Executive a personal favor by sending the deposed Land Commissioner to a seat in the legislative halls of the nation; general publicity to the reasons for his removal from office not having been given at this time.

Hermann's connection with the incident mentioned, is on a par with his conduct at the time he first appeared before the Federal Grand Jury of Oregon that returned indictments against him afterward. He had been called to give testimony in his own behalf in one of the several cases under consideration against himself, and as Hermann entered the Grand Jury room, he threw his right arm familiarly over the shoulders of Special Assistant Heney, who preceded him, as if the latter were his bosom companion, and in this manner stalked majestically into the presence of the inquisitorial body, much to Heney's unconcealed disgust. In fact, the most plausible explanation as to why the Ex-Land Commissioner refrained from maintaining a continuous loving embrace of the Government prosecutor throughout the entire proceedings exists in the belief that the rear portion of Heney's neck was becoming too warm for further comfort.

Chapter XXV

Some interesting information on the subject of "cruisers," showing the important work of this highly necessary class in connection with the lumbering industry—Honesty and integrity a prime factor in the business of estimating timber—How dealers in timber lands are often swindled by misleading reports of dishonest cruisers—Also exposes the scheme of land locators to catch victims, and furnishes a way of preventing deception in this respect.

THERE has been such frequent allusion to "cruisers" in these pages that it does not seem amiss to give the reader a short description of this class, whose operations are so essential to the timber business. A cruiser is a person who estimates the standing timber on a tract of land. He must be well versed in the different qualities of timber and able to tell at a glance whether a tree is perfectly sound or not; the amount of clear lumber it will produce, as well as the total quantity in the tree. He is also required to know something about civil engineering, how to run the compass, and to understand the various magnetic variations of the townships. All subdivision lines in a township are not run on the same variations, as they often vary from 5 to 10 degrees. The cruiser must likewise be skilled in mathematics, as much depends upon his accuracy in computing the amount of the different classes of timber on a given tract.

All cruisers do not estimate timber alike, however. Generally the first thing to do is to find the corner post of a section that is to be estimated, and if it should be the southeast corner, and it was concluded to estimate north and south instead of west and east, it is the usual custom to begin by first taking 62½ paces due west from the cornerpost, from which point he would proceed due north, parallel with the section line, noting down in a small plat book at the end of each 100 paces the character of timber encountered, and such other memoranda as would enable the cruiser to form an accurate estimate of each acre traversed. Should he run into a "burn," the exact point of entering same is noted on his plat book, together with the spot where the green timber is once more encountered. The reason for taking 62½ paces west at the start is based upon the fact that a section of 640 acres—or one mile in extent—is supposed to be covered by 2,000 ordinary paces; hence such a division would make the 62½ paces, equivalent to one-sixteenth of a mile.

After a competent cruiser has completed 2,000 paces, he knows that he is near the north boundary of the section being cruised, and seldom misses the line of survey more than 20 or 30 paces, no matter how rough or broken the country is through which he is passing. He becomes so accustomed to his work that it is possible for a competent criser to pace a mile almost as accurately as the lines could be run with a measured chain. As he goes north in this fashion, he makes a careful estimate of the different qualities of timber through which he is passing, setting down the number and varieties of trees, together with the measurements of those of commercial value. It has even been stated that so careful is the great Weyerhaeuser syndicate in this respect that cruisers working for them are instructed to take perfect measurements of each tree, no matter what its size or quality, so as to equip the estimator with the fullest information on the subject.

After the north line of the section has been intercepted, the cruiser will proceed west on the section line for 125 paces, or double the distance previously marked. He does this for a twofold object; first, because from the line originally established he is able to determine the character of timber for a distance of at least 62½ paces on either side; second, for the reason that it enables him to cover more territory and accomplish the same object. If, however, he should discover the trees to be remarkably thin, and with little or no underbrush to contend with, he would, in that event, proceed west 125 paces each time, or exactly double the distance originally named. In this manner the entire section is gone over, traveling north and south upon each occasion until it frequently happens that fully sixteen miles of traveling back and forth are necessary to complete the estimates on a single section. Where a tract of several thousand acres are involved, which often happens, it can be seen readily that a great deal of ground must necessarily be gone over in this way. As a rule, however, the estimator can see plainly for a distance of 62½ paces on either side, and arrive at a close conclusion regarding the quantity of timber on the land.

Very much depends upon the honesty of a cruiser, as may be assumed. He has it in his power to do either the contemplated purchaser of the tract or the one who sells an irreparable injury by any dishonest methods. For instance, he can "stuff" the estimates in such manner as to make it appear that there is a great deal more timber on the land than actually exists, or he can underestimate just as readily, according to how he has been "approached," and if his figures do not show that the land runs up to a given quantity or merchantable lumber, the seller is usually quite willing to shave the price; whereas, if it runs much more than anticipated, the would-be-purchaser is quite eager to buy, when, as a matter of fact, he is paying for padded returns.

In all truth the position of a cruiser or estimator in regard to honesty and reliability is on a par with that occupied by the cashier or paying teller of some large bank. In fact, it is more important, in some respects, as a crooked cruiser is capable of swindling his employer out of thousands of dollars without becoming involved in criminal liability, because, if cornered he can set up as a defense that subsequent estimates exposing his dishonest efforts are the result of a difference of opinion between experts, and there is no law that can reach him.

A crooked cruiser can defraud his employer by standing in with the man who is selling the timber and stuffing the estimates, or turning in several thousand feet more per acre than the estimates justify. In consequence, a "square" cruiser—of which, unfortunately, the woods are not full—often receives high pay for his services, some of the best obtaining from $15 to $20 a day, besides expenses, and if he is sincere and earnest in his efforts to reach a proper determination of the quantity of timber on a tract, it is obvious that his services are worthy of even greater compensation.

As a matter of fact, estimating timber by "stumpage" has only been in vogue for a few years past, as it has heretofore been the custom to sell land by the quarter section, and not by the thousand feet, as it is purchased now. Consequently, until comparatively recent date, the services of a practical estimator have not been required on the Pacific Coast, as in days gone by, a few million feet one way or the other did not make so much difference on a quarter section. However, timber lands are constantly increasing in value, and rapidly becoming concentrated in the hands of a few wealthy syndicates, so that it is absolutely necessary to know the exact amount each acre is capable of producing before there is much likelihood of a sale. In other words, the intrinsic value of timber lands is becoming recognized more than ever before. "Stumpage" throughout the Pacific Northwest now ranges from 50 cents to $2.50 per thousand feet, according to market conditions and quality of timber, while a decade ago these lands were disposed of on the basis of from $4 to $10 an acre, as the supply and demand justified. This amounted practically to a maximum price of about 25 cents per thousand feet.

In order to be thoroughly competent in making estimates, the cruiser should have had some experience in scaling saw logs in the mill pond, or bed of the mill before being manufactured into lumber, as well as tallying the lumber after the logs have been sawed, so as to know just what deductions are necessary with respect to defects in the log, such as blind knots, shake, and many other imperfections that develop in the course of manufacture. He must also be able to judge whether the tree as it stands in the forest is perfectly sound, which is often determined by the fungus growth or "conkers" in the sides of the tree, spike tops, white moss and dead limbs, or similar conditions. The latter is a sure indication that the heart of the tree is more or less affected by rot. In other cases timber with pitch holes, or small openings in the butt of the tree denote serious defects. Another feature that must be considered is the liability of breakage in falling the timber on rough ground. Without being possessed of these qualifications, a cruiser would be unable to determine with any degree of accuracy whether a body of timber was sound or not.

When a tract is cruised, the estimates should show the quantity of timber; as well as the different qualities thereof on each subdivision of forty acres, together with notes showing the location of "burns" and openings; all branches, streams, ridges, elevations, slopes, and in fact it should contain a complete pen-picture of everything connected with the tract, including the most feasible method of getting the timber out, character of soil, etc.

Cruisers and estimators throughout Minnesota, Wisconsin and Michigan, and other prominent Middle Western lumbering States, are in a class by themselves, and are regarded generally with feelings of the greatest respect wherever they go, as they are known to occupy an important station in life. Although often roughly attired, they are usually men of affairs, and invariably seek the best accommodations obtainable. Up to within the past few years, Pacific Coast cruisers—so-called—were very much in disrepute, being looked upon as land sharks of a dangerous type. As a rule they knew less concerning the correct method of estimating the timber on a tract of land than a horse does of religion, their principal stock in trade consisting of a deep-seated desire to catch "suckers" by masquerading as experts on timber valuations. For the most part, they embraced a class of "locators," who, by process of dishonest methods, had brought a stigma upon their calling, and in consequence were regarded as "undesirable citizens."

During 1900 I had occasion to stop in San Francisco for a night while enroute from Minnesota, accompanied by the president of a large timber land syndicate, and one of his cruisers, the latter a trustworthy and reliable gentleman and one who understood the timber business thoroughly. They had come West with me for the purpose of cruising and estimating a large tract of redwood timber land in Humboldt County, Cal., with a view of purchasing. We entered the Palace Hotel and were about to register, when the incipient clerk at the desk, noticing the garbs of my two companions, adjusted his eyeglasses, and with a glance of the coldest hauteur, politely informed them that he did not have a room left, but that they could secure suitable accommodations by applying at a cheap lodging house south of Market street. They had thrown their packs down on the marble floor of the celebrated hostelry, and their general appearance probably gave the clerk the impression that they were a couple of tramps, whereas, either could have bought the Palace Hotel with the fastidious young man at the desk thrown in.

The work of a cruiser is no snap, by any means. On the contrary it is a vocation not only of great responsibility, but of unremitting toil and hardship. To be successful, a person must be endowed with a rugged constitution, and capable of enduring the greatest privations while in the field, as he is often compelled to pack his blankets and provisions for weeks at a time while in the woods, over the roughest character of country imaginable, with a tree as his canopy at night. In the winter he is required to use snowshoes in the course of his rounds, and sleep in the damp forests without any protection other than that afforded by nature from frequent storms. The day is fast approaching when a competent cruiser will be recognized on the Pacific Coast as an important

John F. Cusack, of Portland, Oregon, one of the most reliable and best known timber cruisers of the Pacific Northwest personage, as there is no doubt the lumbering industry there is only in its infancy, and the country at large is compelled to look westward for its supply on account of its practical exhaustion in the Eastern and Middle West sections. By process of reservations, President Roosevelt has wisely preserved the use of the forests for future generations, and had this policy been adopted fifty years ago, there is no doubt the supply throughout Minnesota, Wisconsin and Michigan would have been adequate to meet demands for a century to come, without counting upon the possibilities incident to replanting.

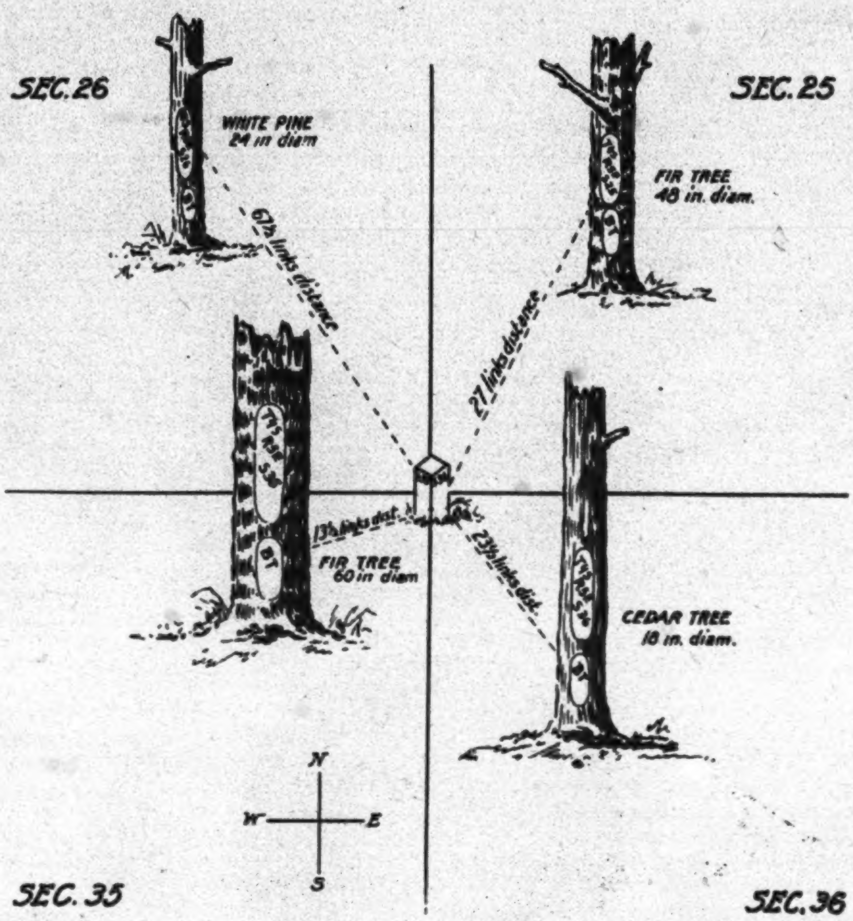
This article would be incomplete without detailing some of the nefarious methods in vogue among a certain class known as "locators," who make a point of plying their vocations for no other purpose than reaping a harvest from the crop of "suckers" abounding in all public land States. They represent the unwary that are caught in every conceivable net. When "Hungry Joe," the celebrated New York bunco sharp was asked how it was possible for him to ply his vocation when his methods were so well known, he replied: "Because there is a sucker born every minute!"

The same conclusion would apply with equal force to the business of locating persons on the public lands, and especially in a timbered region. Visions of great wealthy are always in the mind's eye wherever the public domain is involved, because it appeals to the general public as being a something for nothing proposition. Consequently, it is usually an easy matter to find some one quite eager to bite at any get-rich-quick bait of this character. The woods are full of timber land locators, styling themselves cruisers, when, at a matter of fact, they are not familiar with the first rudiments of the game when it comes to estimating the quantity of timber on a given tract of land. They are experts, however, in any plan that contemplates swindling some poor deluded creature out of from $25 to $100 by locating him in a "burn," or on a worthless piece of ground, under the representation that it will cut several million feet of lumber. The scheme is worked by taking the victim into a heavy tract of timber already patented, showing him the cornerposts of the section he is to file on, and then taking him to the land office where he makes his entry. In all probability the post has either been manufactured to order, or else transplanted from another section in some township miles away, but it answers the purpose of deluding him into the belief that he is securing a great bargain, and he only discovers his mistake when a subsequent survey indicates that an imposition has been practised.

For the benefit of those contemplating acquiring a timber claim at any time in the future there is presented herewith the diagram of a section corner, exhibiting the customary witness trees and other evidence of exact locality, from the field notes of an official survey, a careful study of which will enable any person to readily determine whether he is on the land represented irrespective of what marks may be on the alleged section post.

Every section corner is supposed to have four bearing, or witness trees, by which to identify the corner. This is done in order that the corner can be easily re-established in case of destruction by fire or any other process. The witness trees are generally those nearest to the corner, and vary in size as well as quality, for purposes of identification. With that idea in view, they are naturally at different angles from the section post, and at random distances as well, the "land mark" feature being the chief consideration. These trees are marked by the deputy United States surveyor at the time he sets the posts when surveying the township, and a description of these marks is incorporated in his field notes. at which time he designates the character of the trees, their diameter, as well as the distance and angle of each from the post. These field notes are readily obtainable from the United States Surveyor-General's office in any public land State.

In order to make certain that you are on the land calculated to be taken up as a claim, have the locator show you one of the section corners of your intended claim, at which time you can note the character of the surroundings,


SEC. 26
WHITE PINE
24 in diam
67½ links distance
SEC. 25
FIR TREE
48 in. diam.
27 links distance
13½ links dist.
FIR TREE
60 in diam
23½ links dist.
CEDAR TREE
18 in. diam.
BT
N
W
E
S
SEC. 35
SEC. 36

Corner posts and "bearing trees" to the corner of sections 25, 26, 35 and 36, Township 4 South, Range 5 East W. M. as described in the field notes of the Government survey.

The marks on the trees were made with a marking iron by the Deputy United States Surveyor, at the time the survey was made, and more particularly described as follows to-wit:

Set post 4 feet long, 4 inches square, 24 inches in ground for corner to sections 25, 26, 35 and 36, marked T. 4. S. S. 25, on North East face, R. 5 E. S. 36, on South East face, S. 35, on South West face, S. 26 on North West face, with one notch on South and East edges, from which a fir 48 inches diameter, bears North 20 degrees East 27 links distance, marked T. 4. S. R. 5. E. S. 25. B. T.

A Cedar 18 inches diameter, bears South 28 degrees East, 23½ links distance, marked T. 4. S. R. 5. E. S. 36. B. T.

A Fir 60 inches diameter, bears South 60 degrees West, 13½ links distance, marked T. 4. S. R. 5. E. S. 35. B. T.

A White Pine 24 inches diameter, bears North 30 degrees West, 67½ links distance, marked T. 4. S. R. 5. E. S. 26. B. T.

Thus it will be seen, that it is an utter impossibility to find a duplication of trees at any two section corners, taking into consideration the character of the trees, as well as the angle and distance they lay from the corner post. Hence, it is easy to determine if the correct corner has been found. By an inspection of the field notes on file in the Surveyor General's Office, which describes accurately the distance each bearing tree is from the corner, its variety, and such other details as will enable a person to ascertain whether any trick has been played when a locator shows one the land.

with special reference to the witness trees, and by making a comparison of this data with the field notes of the official survey, not even the most accomplished rogue in existence can throw you off. In fact, it is absolutely impossible to duplicate the witness trees of any two sections of land in the United States. In case a section corner has but three witness trees, the field notes will show it, at the same time stating the reason for the deficiency.

Many surveyors use a stone for a post, wherever obtainable, as they are more indestructible. By horizontal lines engraved thereon, it can be readily determined how far the corner is from the township line. For instance, if it was the corner to the southeast corner of section 16, the stone would show three horizontal marks on the East side, and the same number on the south side, indicating that it was three miles from the East and south boundaries of the township, or practically in the center thereof. These stones are usually about 10x10 inches, and extend above ground from 14 to 20 inches, according to circumstances, as there is no established rule to govern. They are always described minutely in the field notes of the survey, however, and by following these notes carefully there is no reason why any person should not know if he is on the right land, or whether somebody is trying to misrepresent the true conditions for whatever purpose intended to deceive.

Yellow pine tree in the Big Meadows region, Plumas County, California

Chapter XXVI

History of the famous contest between the Scrippers and Mineral Locators in the Kern River oil fields of California over the titles to valuable petroleum lands, wherein Binger Hermann figures as the Good Samaritan—The plot also thickens, involving a high Federal official in its meshes, besides having something to do with the mysterious disappearance of Henry J. Fleischmann, the petted child of fortune, with half a million dollars belonging to the funds of a Los Angeles bank, and "no questions asked" or arrests made.

By Horace Stevens.

IN THE Spring of 1899, intense excitement was created throughout the southern portion of California by the discovery of vast quantities of petroleum oil in the Kern River fields, adjacent to Bakersfield. At this time the conditions there regarding titles were rather peculiar. The lands upon which the oil was found had been surveyed by the Government many years previously, and returned as agricultural in character. As a matter of fact, no other return could then have been made, as there was nothing to indicate the presence of any kind of mineral in the soil, while on the contrary, there was everything to show that the land could properly be classed as agricultural, for the reason that it annually produced good crops of luxuriant grass, and was regarded generally as excellent range for various kinds of livestock.

Only during certain seasons of the year, however, could it be thus utilized, alfileria, the native grass, having a tendency to dry and disappear after reaching maturity. For this reason the land did not appeal to the homeseeker, as it was practically valueless without the aid of artificial irrigation, and there were no known methods of conducting water thereon. Therefore, although in most cases the several townships had been surveyed as early as 1855, the title to nearly all the land embraced therein was still vested in the Government, even in the face of the fact that the various vacant tracts were lying at the gates of a prosperous city of several thousand inhabitants. True, all the odd numbered sections of each township belonged to the Southern Pacific Company by virtue of inclusion within the grant limits of the railway corporation, but the other portions were as barren of claimants as the desert of Sahara.

This was the peculiar situation when oil was first found in the southeast quarter of Section 3, Township 29 South, Range 28 East, Mt. Diablo Base and Meridian. Instantly there was a rush from all directions to acquire title to lands adjacent to the point of discovery in the hope that the holdings thus secured might fall within the proven territory and enrich the owners. Railroad lands that had gone begging at $2.50 an acre suddenly achieved fabulous valuations, many transactions ultimately involving from $1,000 to $5,000 an acre, according to location, and derricks were springing up on all sides as if by magic. No wonder it was enough to inflame the imagination and cause men to do all sorts of things in order to obtain a foothold where the returns were so certain and phenomenal.

Titles to the various vacant tracts were sought in two ways: First, by applicants through the placer mining laws of the United States, in claims of twenty acres each, and almost simultaneously by claimants under the forest reserve lieu land Act of June 4, 1897. The latter were called "Scrippers," while the others were commonly known as "Mineral Locators." According to the mining laws as they had been construed by every Court in the land up to that time, no placer mining location could be made validly unless the entry was based upon an actual discovery of mineral, while the Scrippers, so called, were required to set forth in their affidavits that the land was "vacant and unoccupied" at the date of selection.

Naturally, a question not only of law, but of fact became involved, one of the chief contentions of the Scrippers being that the land was vacant and unoccupied at the time of its selection, while the mineral locators alleged actual possession, and it is generally admitted that in most instances since the origination of the controversies over title to the lands, oil has been found thereon in paying quantities.

The present holding of the Interior Department is that a person who has made a selection under the Act of June 4, 1897, acquires no title thereto, although the land taken was "vacant land, open to settlement," and in the condition prescribed by the statute, unless the selector at the time of selection made affidavit that the land was wholly unoccupied. It was the contention of the Scrippers that land was subject to selection under the above Act, notwithstanding it was occupied, unless the occupant had some legal right to the property, but that, even if wrong in this view, they contended that the selector acquired a good title if the land was in fact unoccupied when selected, although no affidavit to that effect was filed at the date of selection.

It would thus seem that the inception of the trouble between the mineral locators and Scrippers was due to the fact that the mining claims were required to be filed in the United States Land Office of the district where the land was situated instead of in the County Recorder's office. By the latter process the claimant in the land office did not become cognizant of any conflicting entries, because the records there showed the tract to be vacant; and the mineral locator was kept in equal ignorance of the situation, because there was nothing in the County Recorder's office showing the existence of any bona fide title to give him notice that the land was not subject to mineral entry.

It would appear that the logical remedy under the circumstances would be to make it obligatory that all claims of whatsoever character affecting title to the public domain should not only be filed in the local land office, but also placed on the records of the County where the land is situated. The forest reserve lieu land Act of June 4, 1897, has since been repealed, although the cases affecting the issues involved are still pending in the Courts. I shall only discuss them hereafter as they apply to the salient features of my story, as the details are too intricate to be properly considered in the space at my command.

Suffice to say that among those who became interested in the acquisition of title to these oil lands by process of forest reserve lieu selections were William H. Crocker, a prominent capitalist of San Francisco; William Singer, Jr., of the Southern Pacific law department, besides Charles F. Gardner, Harry V. Reardan, George E. Whitaker, a trio of San Francisco attorneys, and Wellington Gregg, Jr., and George T. Cameron, the two latter acting in the capacity of agents for Crocker, who was always a silent partner in matters of this kind, although it was common knowledge that he was the financial backer of the scheme to secure control of much of these lands by the "Scripper" process.

Through Charles E. Swezy, a land lawyer of Marysville, Cal., this combination had filed on several thousand acres of presumed oil land in the Kern River field under the "scripper law," and in each instance it produced a conflict with some mineral entry. In consequence a great many animosities were aroused, with the result that threats of violence were made frequently against the so-called "Scrippers" by the oil men.

It was during this acute stage that I was engaged by the associates of Crocker to go into the affected district and take possession of the northeast quarter and north half of the southeast quarter of Section 4, Township 29 South, Range 28 East, Mt. Diablo Base and Meridian, upon which a forest reserve lieu selection had been filed. This tract embraced 240 acres of the most valuable oil land then known in the Kern River fields, and a portion thereof was being operated by Joseph A. Chanslor and Charles A. Canfield under a lease from the mineral locators of the "June Bug" claim. They had installed a Standard rig on the ground, and were preparing to drill for oil, and in order to prevent them

Horace Stevens, collaborator with S. A. D. Puter in the authorship of "Looters of the Public Domain" from making a bona fide discovery, it was deemed expedient that injunction proceedings should be brought in the United States Circuit Court at Los Angeles, restraining Chanslor & Canfield from continuing their drilling operations; and in order to legally maintain this proceeding, it was considered absolutely necessary that our side should be in possession of the land at the time the injunction suit was brought.

Accompanied by a hired man, I reached Bakersfield on the night of January 4, 1900. On the same train going south was George E. Whitaker, who was interested with Crocker and his associates, and who continued on to Los Angeles for the purpose of filing the injunction suit before Circuit Judge E. M. Ross. The next morning after arriving in Bakersfield, I purchased a cook cabin, that had been constructed on wheels, and was of the type in use among grain threshing crews. It was late in the afternoon before I had everything in readiness for the trip to the land, so that it became necessary for me to camp out on the way on account of darkness, and to move onto the disputed tract early in the morning of January 6.

In discussing this feature of the situation afterwards, one of the Bakersfield papers stated that I took possession of the land "in the gray of the early dawn," but this statement was a stretch of the imagination. As a matter of fact, the roads leading into the oil fields at that time were exceedingly crude, and the cook-wagon, being of unwieldly design, and liable to upset on the slightest provocation, it would have been unsafe for me to have proceeded further that night, especially in view of the Egypt-like darkness pervading the "kopjes" that distinguished the oil fields. It was after 10 o'clock that Saturday morning before I reached a point on Section 4 where I knew that I was in actual possession of the tracts embraced in our forest reserve selection.

In the meantime, Whitaker had returned from Los Angeles armed with the temporary restraining order from Judge Ross, which was served upon the crew of the drilling rig by a deputy United States Marshal. I accompanied them back to town in their bugy with the idea of securing another vehicle and loading it with provisions for our improvised residence, the calculation being to return there that night.

I was on my way back when I met two men in a buggy, one of whom inquired if the cook wagon belonged to me. Upon my answering in the affirmative, he continued:

"Well, are you camping on the ground temporarily, or are you there permanently?"

"Why, I am going to settle permanently," was my rejoinder. "It is a nice looking country, and I have concluded to make it my future home!"

The speaker, who proved to be Frank Lindsay, of Fresno, grew furious at my nonchalent manner, and ejaculated:

"I am one of the mineral locators of that land, and myself and associates have leased the ground to Chanslor & Canfield, and they are coming down tonight from Fresno with fifty armed men to put you off!"

"The h—l they are!" I answered in assumedly surprised tones. "Are their lives insured?"

This reply angered Lindsay to such an extent that words were inadequate to express his indignation, and he drove off in the direction of Bakersfield at a rapid pace, leaving a stream of blasphemy behind that resembled the phosporescent glare from the tail of a meteor.

When I reached the cabin, Joe, the hired man whom I had left in charge during my absence, assured me that the same two men had called upon him, and had made similar threats about armed men putting us off. At that I concluded it was about time to take some kind of notice of what they had said, as I had considered previously that they were undertaking a game of "bluff." After Joe and myself had partaken of our evening repast, I told him it was nothing more than right that I should apprise Whitaker, one of our attorneys, of the situation, and as his train did not leave until 9 o'clock that evening, I thought it possible to intercept him before he left Bakersfield for San Francisco. The horse was still hitched to the buggy, and as I got in to drive away, Joe asked me if I intended to return that night. "I shall if I am alive," was my rejoinder.

"Then we had better agree on some countersign," he added, significantly, "as you might get shot if you prowled around here without my knowing who it was."

As he had formerly been a resident of Elmira, we agreed upon that as the password, and under this understanding I drove away. Although there were plenty of firearms in the cabin, I did not deem it expedient to take any kind of weapon with me into Bakersfield. In the first place, I was on a peaceful mission, and have always been opposed to committing any act that might involve the shedding of human blood. Again, even if I felt disposed to resist by armed force the attack of any group of enemies, it would have been folly for me to have done so, as I was greatly outnumbered, and a conflict of the sort could only have resulted disastrously to me in the end, no matter how successful I might have been at the outset.

Upon my arrival in Bakersfield I found Whitaker preparing to take the hotel 'bus for the train. I hurriedly informed him of what had occurred, and he decided at once to defer his trip until morning. We held a conference on the subject, and discussed various features incident to the condition of things. It was finally resolved to lay the matter before Superior Judge J. W. Mahon, and with that object in view we called upon him at his chambers, as per arrangement by telephone.

Judge Mahon stated that he was powerless to prevent them from carrying their threats into execution in the absence of any criminal charge, but advised us to call on Sheriff Henry Borgwardt, Jr. The latter could afford us no relief, either, but volunteered the suggestion that I had a perfect right to defend my property.

"Even to the extent of taking human life?" I inquired.

"Yes," was the answer of Sheriff Borgwardt. "You would be justified in shooting to kill if they undertake to attack you!"

I was mad all the way through by this time, and it had occurred to me that there must be something radically wrong with the eternal fitness of things when the laws could afford a citizen no protection as against the threatened onslaught of an armed mob, and that flimsy legal technicalities might result in the taking of human life.

"Then, if that is all the satisfaction I am able to secure from the lawful authorities of this county," I retorted with considerable spirit, "I want you to distinctly understand, Mr. Sheriff, that I am going back to my cabin tonight, and that whoever comes there upon an errand of violence is going to smell gunpowder."

This had a rather soothing effect upon the Sheriff, and it was evident that he was preparing to sidestep any proposition that involved the chance of trouble. I could see, too, that politics actuated the law officer in his conclusions more than any sense of justice, because the Scrippers were decidedly unpopular in the community, and the voting element was strongly in favor of the alleged "poor man's method" of taking up these oil lands through mineral locations. As a wealthy syndicate afterwards secured control of nearly all the tracts embraced in the placer mining locations, it is obvious that the scheme to arouse public sentiment against the Scrippers was part of a well-laid plot to use the local residents as catspaws.

Sheriff Borgwardt fell back on his only recourse after his attention had been directed to the possibilities of serious trouble; he passed us up to the District Attorney, and this official we found, after considerable search, enjoying a play at Scribner's Opera House. In answer to Whitaker's card requesting an interview on important business, District Attorney J. W. Ahern sent out word that he would see us immediately after the performance, so Whitaker and myself had to rest our souls in patience until such time as it suited the convenience of the public prosecutor to talk business with us.

We were both somewhat disgusted with the turn of events by this time, and I told Whitaker candidly that, having given the county peace officials ample notice that our lives were in danger, so that in case of any subsequent Court proceedings it could be shown that we were acting upon the defensive, I was in favor of returning to the cabin forthwith and preparing for the expected attack. My plan as outlined to Whitaker was for all three of us—Whitaker, the hired man Joe, and myself—to take up separate positions in the form of a semi-circle around the cabin at a measured distance of 200 yards, so that if necessary we could concentrate a triangular fire upon any would-be assailants. I felt satisfied that no attack would be made that night, as it was bitterly cold, besides too dark for them to proceed in our direction with any degree of caution, knowing, also, that they were aware that we had received warning of their proposed coming. My idea in suggesting a defense at such a long distance from the cabin was based upon the fact that I had had considerable experience over the 200-yard range at target practice, while a member of various rifle clubs, and knew that it would give me an advantage, should the worst come to the worst. I felt satisfied, also, that if any attack was made, it would be about daybreak, in accordance with Indian methods, and that if we put up a game defense, it would have a tendency to disconcert our assailants.

Whitaker opposed such measures, contending that we ought to exhaust every process of securing legal protection rather than adopt any course that was liable to result in bloodshed. While we were deliberating upon a plan of action the 'bus drove up in front of the Southern Hotel, and a number of passengers alighted. We saw the Deputy United States Marshal hand a paper to one of those who had just registered, and guessed that it must be Canfield who was being served with the restraining order from Judge Ross.

"Let's go in and ask him if he really intends to resort to violence in ousting you from Section 4," suggested Whitaker. I agreed to this, and we walked up to him in the crowded lobby of the hotel.

"Is this Mr. Canfield?" inquired Whitaker. "It is," was the gruff response.

Whitaker handed him his card and continued: "We understand, Mr. Canfield, that you have brought down an armed force from Fresno for the purpose of putting Mr. Stevens here off from Section 4—is there any truth in that report?"

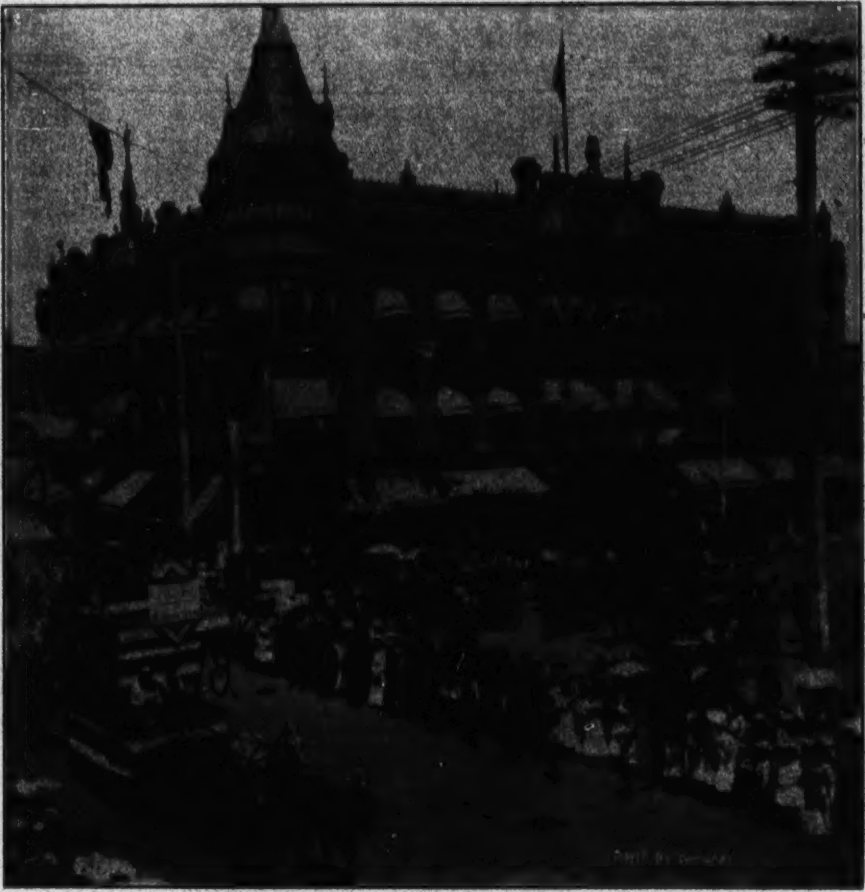
"If Mr. Stevens is on my land I shall certainly resort to force to put him off!" replied Canfield, with a determined expression. He was a square-jawed individual, and I should imagine was a person of considerable bravery so long as the odds were strongly in his favor.

"What land do you claim?" I asked.

He drew a map from his pocket and spread it on the table. "Our lease covers this portion of Section 4," he said, pointing to some tracts that had been colored red.

I looked and saw that it related to the west half of the southeast quarter of the northeast quarter, and the west half of the northeast quarter of the southeast quarter of Section 4, Township 29, South, Range 28 East, Mt. Diablo Base and Meridian. The strip was an eighth of a mile wide and half a mile long, running north and south, and contained 40 acres.

My cabin was very near the center of the section, in the southwest quarter of the northeast quarter, and more than an eighth of a mile from the western line of the Chanslor & Canfield lease. I had placed it there purposely, as there was a deep gorge separating us, and besides all that was necessary for me to hold possession of the whole northeast quarter and the north half of the southeast quarter—which included the Chanslor & Canfield lease—was to get my cabin on any legal subdivision embraced in the forest reserve selection, and this I had done. I indicated with my pencil the exact location of the cabin, whereupon Canfield responded rather loftily:



Southern Hotel, Bakersfield, California, location of the mob's attack on Whitaker and Stevens on the night of January 6, 1900

"You are not on my land, Mr. Stevens, so there is no use in discussing the matter any further."

At this juncture a man stepped up to Canfield and said; "there is a committee of about twenty persons desirous of seeing you right away up on the corner," and the famous oil operator left us in rather brusque fashion.

"I think it is all a bluff about any committee wanting to see him," remarked Whitaker. "Let's go up there and find out."

We followed after Canfield, but had barely reached the street corner upon which the Southern Hotel is situated before we were accosted by William H. McKenzie and Robert Rader, two Fresnoites, whom I then knew slightly. They engaged us in conversation relative to my alleged "jumping" of the land in Section 4, and the argument was waxing rather heated on both sides when Whitaker and myself were suddenly surrounded by fully one hundred excited persons, all clamoring like a lot of magpies, and evidently considerably put out about something. Their sudden appearance reminded me very forcibly of the scene from Sir Walter Scott's "Lady of the Lake," where the signal from Roderick Dhu

—— "garrisoned the glen
With full five hundred armed men!"

Unlike the Highlanders, however, they were not a bit choice in their language, and I soon saw that the burden of their displeasure related to me. In fact, I was the storm center of all their accumulated aggregation of wrath, and they proceeded to unload their vituperation upon me in a gloveless style.

In all my experience I had never encountered individuals half so skilled in the use of blasphemous expressions. They seemed to be pastmasters in the art, and what impressed me most was the array of ponderous jaws, all turned in my direction. In fact it resembled a sea of upturned jaws, and for a few seconds I would have sold out my interest in Section 4 and about everything else worth having at a very cheap figure.

There did not appear to be much humor in the situation, and I cannot comprehend what possessed me to do it, but I told the crowd a funny story, and some of them were kind enough to laugh at it, and then I knew that the danger crisis was passed. Whitaker and I had become separated, and I saw him expostulating wildly with a bunch of the square-jawed fraternity fully twenty feet away from me. Gradually, however, they left him, and concentrated their energies on me.

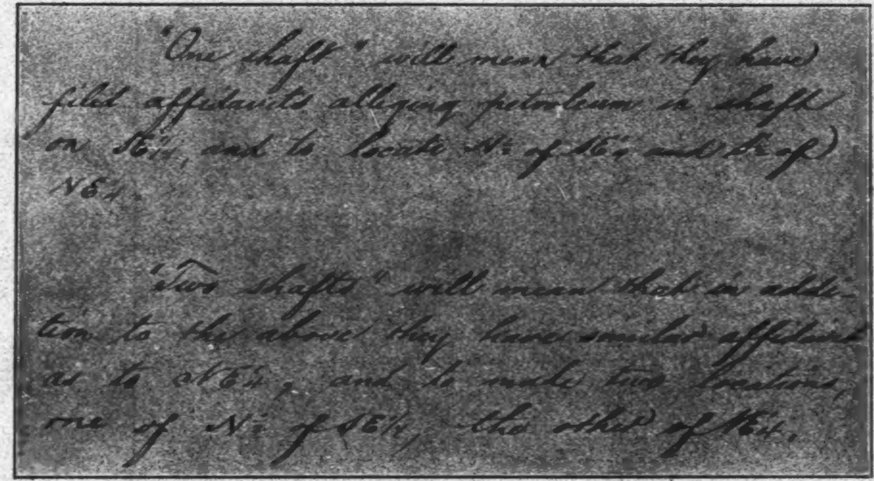
They undertook to harangue me concerning the relative rights of the mineral locators and scrippers to the lands, and I knew that as soon as they started into talking we had them. We argued the proposition in all its phases from 9:30 at night until 1:30 the next morning—four hours of solid discussion—and finally reached what each side viewed as an amicable adjustment of the difficulty. It was arranged that ten of their number should accompany me to the cabin on Section 4; that I should remove my personal belongings, lock the door of the establishment, and that I was not supposed to know what happened afterwards.

Some of the mob demanded that both Whitaker and myself accompany them to the cabin, but he refused absolutely to agree to any such proposition, but I was willing to go for several reasons; in the first place, it would not have been fair to Joe, the hired man, to have left him there alone and let the crowd come in on him without any warning. He would most likely have opened fire on them as soon as they undertook to disturb the cabin, and while he might have injured some of them, they would eventually have killed him. Besides, the proceeding was in the nature of a forcible ejectment from the land, and my legal rights were in no way impaired thereby. I was not particularly infatuated with the idea of living out there in the cabin in the first place, and this "forcible ejectment" idea furnished an excellent solution of the whole thing, as I could thereafter live in comfort in town, while, from a legal point of view, I was still a resident of the bleak and desolate Section 4, and figuratively speaking, my cabin was yet on the land.

It did not take us long to act after we had reached the conclusion indicated. A two-seated rig was secured, and accompanied by four men, I started for the cabin. Following us was a four-horse wagon, in which were six or eight additional men, the idea being for them to attach the tongue of our four-wheeled cabin to the larger vehicle and haul it off the land. It was pitch dark when we reached the vicinity of the cabin, and I called a halt, telling them that I would get out and go on ahead so as to apprise Joe of our coming.

"He is subject to heart disease," I said, significantly, "and if he is rudely awakened by this crowd, it might have a disastrous effect upon his nervous system."

My companions appeared to see the point, so I went on ahead and gave Joe the countersign. He had been asleep, but as soon as he heard my voice he was outside in an instant with a shotgun in one hand and my favorite rifle in the other. In his half-drowsy condition he was liable to shoot me or anybody else, and it was some moments before he properly understood the situation. It was easy to perceive the wisdom of my accompanying the crowd.



"One shaft" will mean that they have filed affidavits alleging petroleum in shaft on SE¼, and to locate N½ of SE¼ and S½ of NE¼.

"Two shafts" will mean that in addition to the above they have similar affidavit as to NE¼, and to make two locations, one of N½ of SE¼, the other of NE¼.

(While the injunction proceedings involving the right of Chanslor & Canfield to continue their drilling operations on portions of Sec. 4, Tp. 29 S., R. 28 E., M. D. M., embraced in the "June Bug" claim, were pending before Judge Ross in the United States Circuit Court, at Los Angeles, Cal., a cipher form of communication was arranged between Wm. Singer, Jr., an attorney for the Scrippers, and Horace Stevens, their representative in the Kern River oil fields. The foregoing is a facsimile of the original, in the well-known handwriting of the San Francisco lawyer. Its significance may be properly understood when it is known that a compliance with either instruction by Stevens would have involved the possibility of bloodshed, so intense was the feeling existing between the contending factions. Interpretation of the code indicates that had Singer wired Stevens to the effect that the oilmen had filed affidavits while the case was going on that an actual "discovery" of petroleum had been made upon any portion of the disputed tract, Stevens was to take immediate advantage of this fact by filing placer mining locations covering the portions affected. The object of this move was to circumvent the oilmen whose only show of title was based upon mining locations that were made prior to finding oil, the statutes requiring that all valid claims to mineral lands must be based upon a "discovery" of mineral of some kind in paying quantities. It was therefore considered that had Stevens got in ahead of the mineral claimants with fresh locations, based upon any actual discovery of the oilmen, it would endow the Scrippers with a superior advantage in being possessed with whatever rights accrued under their forest reserve lieu selection, as well as a prior valid mineral entry, thus standing to win, no matter how Judge Ross decided the case. His ruling took an unexpected turn, however, when he held that a test well should be drilled to the same depth—118 feet—at which the original locators of the "June Bug" claim alleged in their location notice that oil had been found.)

After we had taken our personal belongings from the cabin, and locked its door, I signalled the others to come on, and as the two-seated rig drove up, Joe and I piled into it and were driven hurriedly back to town. That night the others hitched the cabin to their four-horse wagon and hauled it onto the south half of the southeast quarter of Section 4, which was patented land, and therefore not subject to disturbance of title by reason of any adverse occupancy.

When the injunction proceedings came up for hearing before United States Circuit Judge Ross, he directed that a test well should be drilled on Section 4 to the same depth wherein it was claimed a discovery of oil had been made simultaneously with the mineral location, and upon which alleged "discovery" the claim was based. The original locators had set forth in their filing that they had reached petroleum oil at a depth of 118 feet, and Judge Ross held that if a test well corroborated this contention, he would dissolve the injunction; otherwise he would make it permanent, so he appointed William R. Rowland and H. E. Graves, two prominent oil operators of Los Angeles, as Commissioners to have

Museum of the California State Mining Bureau, Ferry Building, San Francisco, pronounced by experts to be one of the finest mineral collections in the world

the well bored and with instructions to report their conclusions in open Court with as little delay as possible. O. M. Souden accompanied them in the capacity of an expert driller.

A word or two in regard to this original "discovery" well: When it was announced that Judge Ross had ordered a test well to be bored, corresponding in depth and general characteristics with the alleged "discovery" well, it was the first intimation I had of the existence of the latter, so in company with Charles E. Swezy, I undertook to find it. After considerable search we came across a dry hole near the southern boundary of what was known as the "June Bug" claim, upon which Chanslor & Canfield had their lease. Swezy and myself were equipped with a long, heavy cord, and prepared to take soundings of any well we might encounter. The locators of the June Bug claim had declared that at the depth of 118 feet they had struck a strong flow of petroleum oil, which had risen several feet in the hole, so Swezy and I proceeded to make sure about it.

We attached a heavy piece of bar iron to the end of the cord, and let it down into the well. It came up perfectly dry, and we thereupon sat down and wrote out a report of our findings in order to be on the safe side. Just before the Commissioners were expected to arrive, we concluded it would be a wise idea to make another inspection of the well, and much to our surprise, upon sinking the bar of iron down as before, it came up thoroughly saturated with oil, and investigation developed that there was at least 20 feet of petroleum in the well. So hurriedly had the well been "doctored" in fact, that the oil was freshly splashed all over the sides, and when the Commissioners came and saw what had been done, they tested the oil and pronounced it "dead"—that is, oil that had been in a barrel a long time before being poured down the hole. "Live" oil, just from the earth, is readily recognizable on account of its tendency to bubble when first brought to the surface, and to develop "rainbow" hues.

I represented the "Scrippers" while the test well was being bored, and as only a small hand-rig could be used, and the weather was very cold, all were glad enough of a chance to work at the drill and keep warm. While we were thus engaged, a crowd of drillers who had been in town the night before having a good time, and were pretty much the worse for wear in consequence, drove along the ridge above us, and as the crisp morning atmosphere conveyed every sound, we were greatly amused to hear one of them call out to his companions in contemptuous tones:

"See them damned fools down there trying to strike oil with a hand-rig."

As the distance we had to drill was but 118 feet, and to have installed a Standard rig on the ground would have involved a great deal of extra expense, it is obvious that a hand-rig was the most available contrivance for our purpose. The drilling operations consumed several days, and as the hole progressed to the depth demanded by the order of the Federal Court, I took every precaution to see that there was no repetition of the "doctoring" process. It was even asserted in the Bakersfield papers that I slept over the hole, but my anxiety was not quite that acute, although I sealed the well at night in such a way that if there had been any tampering with it I should have known it at once.

The day following the departure of the Commissioners I took a reporter of the Bakersfield Morning Echo named Merrill out to the well and had him make independent soundings with a view of ascertaining whether there had been any signs of petroleum found in the hole. He attached a soda water bottle to a heavy fish cord and sunk it in the liquid that was encountered at the bottom, and it came up filled with clear water. There was not even the slightest sign of rainbow hues so common to this kind of oil, and Merrill expressed himself as satisfied that there had been no trace of oil found.

"Then are you prepared to say as much in the Echo tomorrow morning?" I inquired.

"No," responded Merrill, "it would be as much as the life of the paper was worth to say anything favorable to the Scrippers, no matter how true it might be!"

Birdseye view of an oil field in Southern California

And all this during the year of our Lord, 1900, when the people of the United States were supposed to be independent, and it was not thought that shackles of any kind manacled the liberties of the press!

Well, it may be said to Merrill's credit that he did the best he could under the circumstances, and in a roundabout way made it appear that the Commissioners had not found petroleum oil of any consequence in the test well.

It came, therefore, as a great surprise to those directly affected, when Commissioners Rowland and Graves reported to Judge Ross that they had found unmistakable evidence of the existence of petroleum oil in the hole, thus sustaining the contentions of the oil men that a "discovery" had been made at a depth of 118 feet. Half a thousand wells have been drilled in that vicinity since and not one has found oil under 300 feet, and if the Commissioners would go back to Kern county today and announce that oil could be reached at the depth of 118 feet on any portion of Section 4, Township 29 South, Range 28 East, M. D. M., kind hands would lead them gently away, and with tender emotions safely consign them to some friendly lunatic asylum.

The records of Kern county show that immediately after the report of Commissioners Rowland and Graves had been made to Judge Ross, a deed was placed on file from C. A. Canfield, conveying to the two Commissioners the south half of the northwest quarter of Section 29, Township 28 South, Range 28 East, M. D. M., and containing 80 acres in the proven territory, which, with its improvements, was sold by them in less than eighteen months for an amount aggregating considerably more than $100,000. The consideration named in the original transfer from Canfield to Rowland and Graves was about $20,000.

William H. Crocker and those interested with him in the scripper land became disgusted with the findings of the Commissioners, and disposed of their holdings in the Kern River field to a syndicate composed of Riverside and Los Angeles capitalists, of which Shirley C. Ward, a leading attorney of the latter place, and J. R. Johnston and H. T. Hays, both of Riverside, were the controlling spirits. They continued my employment as general superintendent of their affairs in that district, and prepared for an aggressive legal campaign against the mineral locators.

Crocker afterwards expended fully $200,000 drilling various "wildcat" wells thereabouts, but misfortune seemed to have followed all his footsteps, although his operations were carried on in a conscientious manner. He eventually withdrew his casing from numerous "dry" holes, and retired from the field, a sadder, if not a wiser man.

It was but a short time after Ward and his associates had assumed charge of the litigation affecting the forest reserve selections that Judge Ross astounded everybody by rendering a decision in the case of the Olive Land and Development Company against Olmstead, et al., which was in the nature of a complete victory for the scrippers. The Court held in this proceeding (103, Fed., 568, decided July 9, 1900) that "the location as an oil placer mining claim of public lands upon which no discovery of oil has been made, vests the locators with no rights in such lands as against the United States, or as against one subsequently acquiring the title thereto or rights therein from the United States by any legal means prior to any such discovery."

Sample "seepage" in the oil fields

To add to the discomfiture of the situation, Commissioner of the General Land Office Binger Hermann, about this time held in similar cases coming before him, that there could be no valid mineral location prior to a discovery, and that the discovery should not merely reveal indications of mineral, but should be based upon the finding of mineral in paying quantities. In consequence of these rulings, the spirits of the Scrippers became wrought up to the highest pitch of exuberence, while those of the mineral locators were correspondingly dejected.

About this time the Cosmos Exploration Company began simultaneous actions in the Federal Court and the Land Department against the Gray Eagle Oil Company, involving title to the west half of Section 30, Township 28 South, Range 28 East, M. D. M., while the Pacific Land and Development Company brought similar suits against the Elwood Oil Company, affecting the west half of the southwest quarter of Section 4, Township 29 South, Range 28 East, M. D. M. The plaintiffs in both instances were corporations of the Ward-Johnston-Hays syndicate, claiming under forest reserve selections, while the defendants were holding under mineral locations. Precisely the same issues were involved as were at stake in the Olive Land and Development Company case, hence the scrippers felt very sanguine of results.

While these two suits were pending before Judge Ross and the Land Department, during August and September, 1900, it was announced with a great blare of journalistic trumpets, that Binger Hermann, the immaculate Commissioner of the General Land Office, was coming West for the purpose of studying conditions affecting the issues between the oil men and the scrippers. According to the statement contained in the dispatch conveying this information, Hermann was not satisfied with the reports he had received from special agents and through other sources, but wanted to be on the ground and investigate for himself. "Out on the firing line," as he proclaimed afterward.

It is necessary for me to enter into details concerning some of these occurrences, in order to show the close connection between certain events about this stage of the game, and in order to fortify what I am about to relate covering other phases of different matters.

No sooner had it been announced that Commissioner Hermann was personally going to visit the Kern River oil fields, than the big oil operators began to develop a tremendous vein of activity. More than $25,000,000 worth of property was involved in the suits between themselves and the Scrippers, and it was a case of desperate ends requiring desperate measures. What followed is best shown in quotations from the Los Angeles newspapers of the period, wherein it appears that Mr. Hermann was well treated during his brief stay on the Coast. He was met at Albuquerque, New Mexico, by a private car containing Charles A. Canfield, Edward L. Doheney, A. B. Butler and Congressman R. J. Waters, of the Eighth Congressional District of California, and escorted with all due pomp and ceremony on his so-called tour of inspection of the oil fields.

The Los Angeles Herald, of August 27, 1900—page 3, second column—contains a dispatch from Bagdad, Arizona, to the effect that Hermann had reached there the preceding day, and was accompanied by Congressman Waters, whom the report stated met him at Albuquerque, and that the two had visited several forest reserves while en route. They expected to arrive in Los Angeles August 27, and would spend the day inspecting the local land office.

The Los Angeles Times of August 28, 1900—page 12, Column 4—prints an account of Hermann's arrival in a private car, accompanied by Congressman Waters and wife, C. A. Canfield, "and others," including Edward L. Doheney and bride.

Los Angeles Herald, Tuesday, August 28, 1900—1st page, column 1, 2, and 3, and page 3, columns 6 and 7—also had an extended report regarding Hermann's movements. Wallace L. Hardison, the proprietor of the paper at that time, was a heavy oil producer, and heartily in sympathy with the mineral locators. He therefore had a large-sized axe to grind in showering attentions upon the Land Commissioner. The Herald of this date announced Hermann's arrival in a private car on the Santa Fe Overland, escorted by Congressman Waters. They were met at the depot by a committee from the Chamber of Commerce, in addition to Forest Superintendent B. F. Allen, A. J. Crookshank and Arthur W. Kinney, register and receiver, respectively, of the Los Angeles land office. It was likewise stated in black-face type that it was Hermann's intention to visit the Bakersfield oil fields that morning.

Los Angeles Herald, August 29, page 9, column 3, contains a dispatch from Bakersfield in its "News from the Oil Fields and the Mines," department, telling about the arrival there of Commissioner Hermann in a special car, accompanied by United States Surveyor-General Gleaves, Special Agent Jay Cummings, Congressman Waters, and C. A. Canfield, E. L. Doheney and A. B. Butler, three of the principal oil producers of the State. The dispatch stated further that the private car was pulled direct on the spur track to Oil City, the shipping point of the Kern River fields, where they were met by teams provided (by the oil men) and taken all over the fields.

During Hermann's visit to the oil fields he came in contact with no person not in sympathy with the mineral locators, and on all sides his head was filled with tirades against the Scrippers.

F. Roper, vice-president of the Kern Valley Bank, and one of the most respected citizens of Bakersfield, was an old friend of the Land Commissioner, having known him in Oregon, but on account of Roper's well-known sympathy with the Scrippers, he was not allowed to come within trumpet call of him, there being a constant guard of oil men around Hermann to see that the Scrippers' side of the story did not reach his ears.

Hermann submitted to an interview at some point while returning to Washington, and made the declaration that he had found positive evidence of the existence of petroleum oil "leading up to the derricks" in every portion of the Kern River fields. According to his statement in this respect, oil seepages were visible upon every hand, and this condition had prevailed at the time the first mineral locations were filed. As a matter of fact, the only known seepage in the Kern River oil fields exists at the point of original "discovery," in the southeast quarter of the southeast quarter of Section 3, Township 29 South, Range 28 East, M. D. M., and aside from that insignificant outcropping—which really had no bearing whatever upon the existence of petroleum in the vicinity—there was nothing to show that the lands were fit for anything except grazing purposes at the time the rush to acquire titles first began.

At all events, Commissioner Hermann lost no time after his return to Washington, in deciding the two contest cases of the Cosmos Exploration Company against the Gray Eagle Oil Company, and the Pacific Land and Improvement Company against the Elwood Oil Company, in favor of the defendants, and completely reversing himself in former rulings.

On top of this came the decision of Judge Ross relative to the injunction proceedings pending before him in these two cases, in which the Court swept away whatever props Hermann had left for the Scrippers to lean on.

I had been in constant attendance during the arguments of counsel in the cases before Judge Ross, and had taken an active part in securing evidence for the Scrippers. I had sent in thirty-three affidavits, in addition to my own, of well-known citizens of Kern County, showing that the lands in controversy never had any signs of petroleum oil on them prior to the filing of the mineral locations, and that they had been used for fifty years past as grazing lands; also that there were no improvements on the west half of Section 30, Township 28 South, Range 28 East, M. D. M.,(claimed by the Gray Eagle Oil Company) in December, 1899, when the forest reserve or "Scrip" selections were made, nor in fact until January, 1900.

Opposed to this array of testimony were the affidavits of C. A. Canfield and Edward L. Doheney, to the effect that they had seen a Standard rig in operation on the west half of Section 30 as early as November, 1899, and the affidavits of Frank Pitney and O. B. Phelps (both of whom were also deeply interested in the success of the mineral locations), that the formation bore unmistakable evidence of petroleum deposits. Pitney had formerly been a local fish dealer, and Phelps had never seen an oil well before coming to Kern County. Neither had any more intimate acquaintance with the geological conditions affecting the formation of the Kern River fields than a pig has about astronomy, and yet Judge Ross accepted their unsupported statements as gospel truth, and turned down the disinterested testimony of some of Kern County's best citizens!

The decision of Judge Ross in the case was one of the most remarkable documents I ever perused. Prominent lawyers of Los Angeles, who attended the arguments and familiarized themselves with every phase of the situation, declared in emphatic terms that the attorneys for the Scrippers had made much the best showing, and that there was no possible excuse for Judge Ross to decide against them. Everybody on our side felt the same way because the oil men had certainly made a lamentable showing.

My first misgiving came when W. E. DeGroot, a Los Angeles pawnbroker, who was heavily interested in the Reed Oil Company, of Bakersfield, and one of the leading factors in the warfare against the Scrippers, offered to wager heavy odds that Judge Ross would decide in favor of the Gray Eagle and Elwood Oil Companies. This was before the cases had even been submitted, and while the arguments were still in progress.

On September 24, 1900, Judge Ross made his now famous decision in the two cases, completely demolishing every vestige of title set up by the Scrippers to the lands. Not only that, but the findings of the Court ended with the suggestion that the United States Grand Jury, then in session, should take official cognizance of the variance in the two sets of affidavits that had been presented for consideration, hinting that myself and others had committed perjury when we swore that the land had any agricultural value, and that the west half of Section 30 was not in the possession and occupancy of the Gray Eagle Oil Company at the time the forest reserve selections were made.

Frank P. Flint (since elected United States Senator from California), was then United States Attorney for the Southern District of California. Incidentally he was also one of the leading attorneys for the oil men, and decidedly opposed to the Scrippers in every way. It therefore came with exceedingly good grace for Mr. Flint to do all in his power to have us indicted, on account of the terrorizing effects of such a proceeding, and he lost no time in adopting the Court's suggestion.

Indictments were accordingly prepared against myself and the thirty-three others who had substantiated my statements, and I was advised that I had better get busy and secure bonds if I wanted to keep out of prison. It was at this critical stage that I met Milton McWhorter one day on the streets of Bakersfield. He had been the contractor for the Gray Eagle Oil Company and for C. A. Canfield, and in such capacity had drilled the first oil well, besides erecting the initial improvements on the west half of Section 30, over which all the trouble was about.

It struck me as rather peculiar, as soon as I saw McWhorter, that he had not been called as a witness by the oil men, so I determined to ask him the reason, as we were quite friendly.

"Mac," said I, "why didn't Canfield and the Gray Eagle people get you to testify for them in those Scripper cases?"

"Oh, I guess they did not want me very badly," he replied with a significant expression of countenance.

It was like a drowning man grasping at a straw, and I pressed him for an explanation. This he at first refused to give me, but finally said that if it could be of any personal benefit to me he did not mind giving me the facts, but otherwise it would only tend to create enmity, and hurt him in his business.

In the most earnest manner at my command, I informed McWhorter that they were trying to indict myself and associates for telling the truth about Section 30, and that if he was aware of any evidence that would help us out, it was his duty to supply me with the information.

"Well," he declared vehemently, after reading a copy of my affidavit, "they will never put you behind bars for what you have sworn to here if I can help it, and I guess that I can, too, because everything you have said here is the truth. In fact, you have not put it strong enough. I have documentary evidence that they never hauled a load of lumber on Section 30 until after January 8, 1900, for the reason that the bill was not purchased from the Wendling Lumber Co. until that date. I drilled the first holes out there, and none of them were put down until after the lumber was purchased and the derricks were erected, which was some time subsequent to January 8."

McWhorter then conducted me up into his office and showed me his account books as kept by John Rader, his bookkeeper, and said that if necessary

Standard drilling rig in operation, showing a "sump hole" where the oil is stored after a gusher has been struck

he would not only accompany me to Los Angeles and appear before the Federal Grand Jury with his evidence, but would also have Rader go with us so as to substantiate everything contained in his books.

This conversation occurred about noon, and within the next hour I had wired Shirley C. Ward, our attorney at Los Angeles, a complete statement covering the evidence secured, and had received instructions to proceed to Los Angeles with McWhorter and Rader, together with their books, bills for material and other documentary evidence, as fast as steam could carry us.

Upon our arrival in Los Angeles, we went direct to Ward's office and exhibited the convincing proof we had brought with us. He was overjoyed at the sight of the evidence, and accompanied us to the United States Attorney's office and asked permission to have McWhorter and Rader go before the inquisitorial body and give their testimony.

Mr. Flint objected to the introduction of the evidence to the Grand Jury, and in this position he was sustained by District Judge Olin M. Welborn, whose son, Charles Welborn, was the attorney for E. L. Doheney, whereupon Ward resorted to the only available method of acquainting the organization with the nature of the proposed evidence by writing a letter to the foreman of the Grand Jury and requesting permission from Judge Welborn in open Court to have this communication delivered.

This request was also refused by Judge Welborn, just as Ward expected it would be, but the episode did not escape the eagle eyes of the newspaper reporters present, exactly as the astute lawyer had planned, with the result that every paper in Los Angeles printed the text of what had been written to the foreman of the Grand Jury.

Ward had practically made a brief of what he expected to prove by McWhorter and Rader, and as soon as the jurymen read the papers they summoned McWhorter and Rader before them, Mr. Flint to the contrary notwithstanding. The straightforward statements of the two men, made doubly impregnable by the mass of unimpeachable documentary evidence they had brought with them, produced a profound sensation in the Grand Jury room, and had the effect of causing the body to ignore the indictments previously formulated, and prepare new ones, charging Charles A. Canfield and Edward L. Doheney with the crime of perjury in having made false affidavits that the west half of Section 30 was in the possession of the Gray Eagle Oil Company as early as November, 1899, and that they had seen a Standard rig in operation there at that time.

Thereupon Mr. Flint awoke to a sudden realization of the fact that he was something more than the mere attorney for the oil men, and in his official capacity as United States Attorney, pointed out to Judge Welborn that inasmuch as Judge Ross had held in his decision heretofore referred to that he had no jurisdiction over the cases at bar, consequently no crime could have been committed in any proceeding before him, no matter how glaring the perjury might have been, and it has always remained a mystery why Mr. Flint did not think of that when he was laying the iron fist of the Government down upon a lot of so-called Scrippers. When Mr. Flint's term of office expired, he was not reappointed, although making a vigorous effort for the place. He has since been elected United States Senator from California, defeating Thomas R. Bard, one of the most honorable men that ever represented the State in the upper branch of Congress, and it is claimed that Mr. Flint was greatly assisted in his election through the influence of the Southern Pacific Railroad Company, which had no use for Bard.

Immediately after Judge Ross had rendered his decision in the Olive Land and Development case, wherein the contentions of the Scrippers were sustained at every point, the oil men of Bakersfield boasted quite freely that they were raising a campaign fund for the purpose of neutralizing the effects of these findings. They made no secret of the matter at the time, and in the course of a civil action tried in Bakersfield during 1902, Judson Elwood, one of the active spirits among the mineral locators, admitted on the witness stand that a large sum of money had been raised to fight the Scrippers, and that he had personally subscribed $1000 towards this fund, although he was nothing more than one of the small frys in this immense kettle of fish. Just what amount was secured by process of assessment upon each person whose interests were identified with the mineral locators may perhaps never be fully known; but that it must have aggregated an immense sum is evident from the sensational developments following closely upon the footsteps of the Court's adverse ruling.

Rumors were rife all along after Judge Ross decided the cases of the Cosmos Exploration Company *vs.* the Gray Eagle Oil Co.; and the Pacific Land and Improvement Company *vs.* the Elwood Oil Company, in favor of the defendants, that everything was not as it should be, but it was not until 1904 that I came in possession of tangible evidence that Judge Ross had a sordid motive in reversing himself.

Somehow or other the Government found out that I entertained grave suspicions on the subject, and May 20, 1904, I received telegraphic instructions to proceed to Los Angeles and investigate every feature of the situation as far as possible. I had gone away from Bakersfield in the summer of 1902, and for several months was employed on the Los Angeles papers when engaged by the California State Mining Bureau upon some special service that shall form the basis for a separate chapter. I was in San Francisco at the time of being commissioned by the Government to run down the ugly rumors that were afloat connecting the names of Binger Hermann, Commissioner of the General Land Office, with the scandals incident to Hermann's visit to the Kern River oil fields in a private car provided by the oil men, and of Judge Ross' acrobatic ruling in the last Scripper cases that came before him. I lost no time in going to Los Angeles upon the errand designated, and after spending several days there gathering information upon the subject, made a report to the Government substantially as follows:

Stevens' Report to the Government Concerning the Disappearance of Henry J. Fleischmann, and His Connection with the Scripper Cases.

Pursuant to your telegraphic instructions of May 20, 1904, I proceeded to Los Angeles on the 21st instant, and the next day, as well as the following Monday, was in consultation with Shirley C. Ward, one of the leading local attorneys for the Scrippers, and J. R. Johnston, president of the Cosmos Exploration Company and the Pacific Land & Improvement Company, from whom I gathered much valuable information relative to the sensational flight from justice, in the latter part of 1900, of Henry J. Fleischmann, cashier of the Farmers' & Merchants' Bank, of Los Angeles.

According to Johnston, who was an intimate acquaintance of Fleischmann, on the Wednesday night preceding the decision of Judge Ross on the following Monday in the Scripper cases, and shortly after Commissioner of the General Land Office Hermann had visited the Kern River oil fields, he (Johnston) was sitting near the large open window in the lobby of the Westminster Hotel in Los Angeles, when Henry J. Fleischmann passed by, accompanied by a female companion. He excused himself to her for a moment, and came inside, accosting Johnston in an excited manner with this exclamation:

"Well, you have been sold out in those cases all around, and you are beaten! There is no show on God's earth for you to win!"

Johnston asked him what he meant, and Fleischmann replied:

"I haven't time to tell you now, and besides, we are exposed to view from the street; but come down to the bank early tomorrow morning, and I will explain everything."

Johnston was ailing at the time this conversation occurred, and that night his condition became rapidly worse, so that he was obliged to retire to his room, where he was confined a week. As soon as he was able to be out, he repaired to the bank and heard Fleischmann's story. In the meantime Judge Ross had rendered his famous decision adverse to the Scrippers.

The first question that Fleischmann asked Johnston was, "Are you a Mason?" Being answered in the negative, Fleischmann continued:

"Well, I've known you a long time, anyhow, but if you were a Mason, I would tell you a great deal more."

He then went on to relate that Judge Ross' decision was read in the private office of the bank at least ten days before it was rendered, to a group of persons consisting of Charles A. Canfield, J. A. Graves (brother to H. E. Graves, whom Judge Ross had named as one of the Commissioners to drill the test well on Section 4, Township 29 S., R. 28 E., M. D. M.), President I. W. Hellman, of the Farmers' & Merchants' Bank, and himself, and after Canfield and Graves had expressed their approval concerning the salient features of the decision, that Judge Ross had thereupon borrowed from the Farmers' & Merchants' Bank, on his unindorsed note, the sum of $20,000, with which he purchased stock in the Canfield Oil Company at 15 cents per share, and which were repurchased by Canfield immediately after the decison in question had been handed down for 55 cents per share, giving Judge Ross a net profit of more than $55,000 by the transaction, and that the records of the bank would exhibit the whole thing.

Fleischmann arranged the chairs in the room in such manner as to indicate to Johnston where each participant sat during the entire proceedings. He had previously told H. T. Hays, of Riverside, California, and his attorney, Edward A. Meserve, of Los Angeles, all about it, and had intimated that another high Federal official was involved.

Johnston, Hays and Meserve went to Fleischmann in a body and implored him to expose the whole affair in the interest of justice. Fleischmann replied that if they would throw out a dragnet, as he expressed it, so as to apparently entagle him in its meshes—meaning that if they would have all the different cashiers of the various local banks subpœnaed, so as to make it appear that he was an involuntary witness, and that his testimony was being forced out of him—he was willing to go on the witness stand and tell the whole truth. This was agreed to, whereupon Johnston, Hays and Meserve incorporated Fleischmann's statement in an affidavit which they signed and filed with the Department of Justice at Washington, D. C.

At this stage of proceedings Fleischmann suddenly disappeared, and the amount of his alleged defalcation was currently reported to be in the neighborhood of $90,000, but in a letter written to Meserve from Peru subsequent to his flight, Feischmann made a clean breast of everything pertaining to this phase of the situation. He declared that he was given $500,000 in bills of the denomination of $1000 each, and fled first to the City of Mexico, where he was joined by a trusted friend, at that time a resident of Los Angeles.

It was arranged between them that Fleischmann should take $10,000 of this money, leaving the balance in his friend's keeping, with the understanding that the latter should join Fleischmann in Peru and deliver the $490,000 to him there; but it developed that this presumed friend (whose name Fleischmann revealed to Meserve, but whose identity neither Ward nor Johnston would disclose to me at the present time) played Fleischmann false, and as soon as the absconding cashier had left Mexico, returned to the United States, where it was reckoned that Fleischmann would not dare to follow, and is now living in luxury on the ill-gotten gains. Meserve has ever since maintained a correspondence with Fleischmann, and no longer than last Saturday (May 21, 1904), received a letter from the fugitive, in which he deplored the conditions, and expressed considerable chagrin concerning fate and human treachery, at the same time expressing a wish to return and face the music, and declaring that the bank officials would not dare to molest him.

Meserve is convinced that it is his absorbing desire now to sneak into Chicago and kill the individual that robbed him, and then expose the scheme of official graft and corruption in its entirety, while Ward and Johnston are satisfied that if Fleischmann did not mean Commissioner of the General Land Office Binger Hermann when he made reference to "another Federal official," that Hermann was bribed by Edmund Burke, a sort of Poo Bah of the oil men while the fight with the Scrippers was on in Washington, and that at all events the bank records should exhibit everything in connection with the transaction, as the money to pay Hermann must have come through that source, Canfield being one of its principal patrons.

This man Burke, who is a sort of speculator and member of the local bar, with offices in the Byrne building, Los Angeles, is alleged to have become quite confidential with Johnston rather suddenly, and upon the occasion of a recent trip up from Long Beach, admitted to Johnston, in the presence of the latter's wife, that he had been paid a salary of $5,000 a year and expenses to go to Washington and lobby in the interests of the oil men, but that his job was finished with them, and that now he was willing to engage with the Scrippers upon the same terms.

Johnston said that Burke was much in evidence around Commissioner Hermann while in Washington, as was also a man named A. P. Maginniss, the Santa Fe Railway Company's right-of-way man, who had likewise been employed by Edward L. Doheney up to the time the latter disposed of his oil interests to the Santa Fe. Maginnis made his headquarters in the law office of Britton & Gray while the fight was in progress before the Land Department.

Col. J. B. Lankershin, a wealthy and reputable citizen of Los Angeles, was a heavy stockholder in the Farmers' & Merchants' Bank, and when the flight of Fleischmann was first announced, without invitation attended an executive session of the directorate of that institution, and demanded from President I. W. Hellman the privilege of inspecting the books of the concern.

This request Hellman declined to grant, and a heated controversy on the subject arose between the two in the presence of all the other directors, culminating in Lankershin pointing to Attorney J. A. Graves, who was also vice-president of the bank, and saying:

"I will leave it to your own lawyer if I have not got the legal right to do so." Hellman appealed to Graves for his opinion, and the attorney coincided with Lankershin, who immediately left the bank and returned to his office, with the avowed intention of at once setting an investigation on foot. He had no sooner reached his office, however, when Hellman called him up over the telephone, and asked him how much he would take for his stock.

Lankershin at first declined to sell, but upon being implored to do so, finally named a price which he afterwards declared to a friend "would raise you out of your boots if you knew what it was."

Within ten minutes thereafter, he was notified to call at the bank, and received a check for the full amount asked.

Last Thursday night, J. A. Graves responded to the toast, "Morality of Banking," at a public banquet in Los Angeles.

A. J. Crookshank, Register of the United States Land Office at Los Angeles, who met Hermann at the Union depot there, is authority for the statement that the Land Commissioner was then in the private car of E. L. Doheney, Charles A. Canfield and A. B. Butler, and that they so accompanied him on his trip to the Kern county oil fields.

In order to satisfy any possible public curiosity as to Fleischmann's reasons for being on confidential terms with the attorneys for the Scrippers, I shall take occasion to state that he was interested with them in forest reserve selections conflicting with oil locations in Kern county, and naturally had a motive in rendering all the aid he could to their cause, although neither the bank officials nor the oilmen, so far as I am able to ascertain, were aware of this fact at the time.

His close relationship to the Farmers' & Merchants' Bank as its trusted cashier, together with his ties of kinship to I. W. Hellman, its president, probably threw them off their guard, and the presumption is that he used his knowledge of the transaction recited in my report not only as a measure of expediency in looting the bank, but as a leverage to shield himself from subsequent prosecution. At all events, although a great hue and cry was apparently made by the bank officials concerning his embezzlement of their funds, no earnest effort was made to apprehend him, and if any warrant for his arrest was ever sworn out, I was unable to find any record of it at the time of making my investigation for the Government at Los Angeles.

Fleischmann was the favorite nephew of Banker Hellman—had been reared in the latter's family, so it was said, as a petted child of fortune ever since the death of his parents, so that when it became known that he had absconded, various ruses were adopted to hush the matter up. It was given out that he had taken merely a paltry $91,000, and that he had left behind him sufficient property to cover the extent of his stealings. This report was obviously circulated for the purpose of allaying the minds of the stockholders, because, had it become generally known that Fleischmann's flight involved a loss to the bank of half a million dollars, it would have had the effect of producing such a run on the institution that no prophet could have foretold the outcome.

It may be asked why the Government did not investigate the details of the defalcation at the time of its occurrence. The answer is embodied in the fact that during this period the concern was not a National bank, hence the Federal authorities had no more right to question its conduct in that respect than it would in prying into the private affairs of an individual. It was incorporated under State laws, and was under the jurisdiction of the California Bank Commissioners, although I believe it has since acquired a National charter.

I have never been advised as to the situation respecting Fleischmann's present whereabouts, but at the time I made my investigations, the attorneys for the Scrippers were endeavoring to induce him to return and place the Federal authorities in full possession of the facts, and if promised immunity by the civil authorities, there is hardly any reasonable doubt that he would come back and endeavor to make good upon his serious charges.

When the case of the Cosmos Exploration Co. *vs.* the Gray Eagle Oil Co., and that of the Pacific Land & Improvement Co. against the Elwood Oil Co. reached the United States Circuit Court of Appeals, two of its members—Judges Hawley and Morrow—sustained the lower Court in its ruling, while Judge Wm. B. Gilbert, of Oregon, rated as one of the most able jurists in the Federal service, rendered a strong dissenting opinion. The two cases came up before the United States Supreme Court in 1903, that tribunal handing down a decree that gave neither side any particular advantage, and resulted in sending all the issues back to their original starting point, the local Land Office at Visalia, California, where a fresh hearing was had January 18, 1904. The suits are still pending before the Land Department.

The following sworn statement, tabulated from the official records of Kern County, shows that in that county alone, within a year, 103 persons located 8,248 placer petroleum mining claims of 20 acres each, an average of over 80 claims, or 1,600 acres to the person, or a total of 164,960 acres.

In this list appear the names of 5 persons whose claims number between 200 and 250; 7 between 150 and 200; 13 between 100 and 150; 41 between 50 and 100; 37 between 30 and 50.

This list shows the following number of claims located by single families:

Three of the Jameson family located 220 claims, or an average of 73 each; 6 of the Prewett family located 565 claims, or an average of 94 each; 7 of the Richardson family located 885 claims, or an average of 126 each, and 4 of the Wrampelmeier family located 292 claims, or an average of 73 each.

Those holding less than 30 claims each are not shown in this list.

Adams, John	64
Armstrong, R. B.	54
Batz, J. B.	153
Berry, W. J.	31
Bernard, E. M.	47
Beverage, Geo.	64
Bilkey, C.	58
Bissell, W. S.	86
Blanding, Gordon	46
Blodgett, H. A.	234
Bracewell, J. M.	75
Bernard, James	48
Calcote, Dan	39
Carson, J. M.	75
Clark, C. T.	48
Congdon, C. H.	48
Congdon, H. B.	31
Crities, Phoebe J.	54
De Groot, W. E.	43
Druillard, S. G.	42
Drum, F. G.	46
Emmons, E. J.	75
Emmons, M.	31
Emmons, W. H.	65
Farnum, N. C.	185
Fewell, W. G.	36
Goldman, I.	35
Gould, J. L.	59
Graham, F. M.	137
Gurnett, A. G.	65
Hailstone, C. E.	81
Hendryx, W. A.	71
Hodgkiss, O. E.	83
Hughes, J. A.	40
Jameson, J. M.	45
Jameson, J. S.	52
Jameson, J. W.	123
Jastro, H. A.	30
Jewett, S.	226
Jordan, J. H.	160
Keller, F. L.	42
Kellogg, L. O.	34
Kennison, A. W.	56
Kowdy, C. E.	73
Langdon, F. A.	31
Landis, J. B.	62
Lange, H. T.	40
Lee, C. A.	117
Lemon, F. H.	52
Lhote, H. C.	55
Lindsay, G. J.	76
McCutchen, G. W.	49
McCutchen, J. B.	47
McCutchen, W. S.	86
McKee, Robert	74
Mentry, C. A.	84
Moran, Kate	65
Moran, T. L.	134
Newson, Jno. J.	54
Packard, H. L.	245
Packard, T. J.	229
Phelps, O. B.	57
Pitney, F. R.	82
Prewett, Alpha	67
Prewett, E. J.	96
Prewett, H. J.	121
Prewett, N. E.	95
Prewett, S. J.	98
Prewett, W. J.	137
Purfurst, A. B.	74
Pullen, C. J.	80
Rader, A. L.	37
Rader, R. M.	37
Richardson, E. A.	139
Richardson, Fannie	141
Richardson, Geo.	122
Richardson, James	130
Richardson, Jessie, sr.	124
Richardson, Jessie jr.	98
Richardson, S.	168
Rodgers, Warren	37
Roper, F.	182
Schofield, S. G.	34
Shafer, W. H.	40
Simon, S. S.	115
Smith, A.L.	58
Smith, I. M.	73
Smith, P.	71
Spencer, W. M.	56
Tevis, Hugh	34
Tevis, W. S.	34
Tousley, C. L.	31
Wagy, J. J.	181
Wagy, M. S.	34
Williams, Elizabeth	48
Wrampelmeier, L. A.	73
Wrampelmeier, L. C.	73
Wrampelmeier, F. W.	73
Wrampelmeier, T. G.	73
Youle, W. E.	228
Young, C. S.	30
Zartman, G. W.	169
Zartman, M. E.	137

Total number of claimants 103
Total number of claims 8,248

Chapter XXVII

Great rush of Eastern timber speculators with a horde of dummy entrymen into the virgin forests of Northern California impels the State Mining Bureau to send a special agent to the affected districts for the purpose of investigating numerous complaints relative to encroachments on unpatented mining claims by the greedy grabbers—His report to State Mineralogist Aubury has the effect of drawing the President's attention to the situation, with the result that an Executive proclamation is issued, making provisional suspension of a vast territory for forest reserve purposes, and calling a halt on further depredations—It also encompasses the loss of several official heads in the Land Department, and likewise reveals a cunning scheme to grab 265,000 acres of valuable timber land by process of placer mining locations, in order to blaze the way for the coming of the Western Pacific railroad.

WHILE to Ethan Allen Hitchcock, late Secretary of the Interior, unquestionably belongs the distinction of having inaugurated the crusade that has resulted in the complete subjugation of the plunderers of the public domain, it was Lewis E. Aubury, the State Mineralogist of California, who was among the first to call public attention to the gigantic depredations. And it is one of the ironies of fate that the overpowering avarice of these looters was responsible for their own untimely downfall. It was the fuse that ignited the chain of mines whose explosion has destroyed the strongholds of fraud.

Not content with grabbing all the vacant timber lands of Northern California that they could lay their hands on, with that reckless abandon creditable to a buccaneer of old, they overstepped the bounds of discretion, and seized upon the holdings of many poor old miners who had been in peaceful possession of their claims for a quarter of a century or more, and who felt secure in their property rights by reason of having complied with the laws in relation to assessment work upon their mineral entries, even though their claims were not patented.

It may be asked how it was legally possible for a person to be deprived of his property, or even assailed in his rights, after having worked a mining claim in good faith for upwards of 25 years, and it is this phase of the situation that I shall take the liberty of explaining. Under the present system, whenever a township is surveyed by the Government, it is supposed to be segregated in accordance with its well-known characteristics. For instance, if some portions were known to be mineral in character, they were returned as such, and title thereto could only be obtained through the mining laws of the United States, unless the mineral character of the land should be subsequently disproved in the course of an official investigation. Other parts of the township were returned as agricultural in character, title thereto being acquired under the homestead laws, while still other tracts might have been subject to overflow at the time the State was admitted into the Union, in consequence of which they were declared to be swamp and overflow lands, and subject to sale by the State by virtue of its sovereignty. In like manner the 16th and 36th sections of each township are returned as school lands, the proceeds of their sale going towards the maintenance of the public school funds of the State wherein the lands are situated. In fact, all the lands in the newly-surveyed townships are classified, and become subject to sale upon the basis of whatever return is made by the United States Surveyor-General for the district.

Practically all the public land surveys are made under contract, and by men who are generally unfamiliar with geological conditions. Thus, unless a tract is well-known to be mineral in character, and is notoriously operated for mining purposes at the time of survey of the township, it is just as liable to be returned as agricultural land as anything else, because the deputy surveyor, upon whose field notes the Surveyor-General always bases his returns, is usually in a hurry to get over as much ground as possible, and consequently pays no heed to geological conditions, even if he knew anything about them.

Under these circumstances, whenever mineral is found upon land that has been returned as agricultural, the process of acquiring title is very peculiar. In accordance with the mining laws of the United States, he is obliged to file his claim to the desired portion with the County Recorder of the County where the land is situated, and no record of his claim appears in the local United States Land Office until after the issuance of patent. By the performance of $100 worth of assessment work each year upon his claim, the locator can hold the same indefinitely, and these conditions prevailed to a large extent in Northern California in 1902, at which time the great rush by Eastern syndicates to grab up the valuable forests of that region had reached flood tide.

By reason of the lands having been returned as agricultural or timbered at the time of survey, and of the fact that there was no record in the Land Office of any unpatented mineral entries, the records of the Land Offices indicated that the tracts were vacant, and subject to location accordingly. Great train loads of "dummy" locators were brought out from the East to file on these lands under the timber and stone act of June 3, 1878, and in the grand scramble that ensued they went pell-mell after everything in sight in their efforts to get ahead of the other fellow, paying no heed to the clause in their applications requiring personal knowledge of the tract, and swallowing the required non-mineral affidavit with as much gusto as an ostrich would display in digesting a tomato can. Their operations finally became so emboldened that numerous complaints began to reach the California State Mining Bureau, and as time progressed the volume of these complaints increased at a corresponding ratio.

During this period I was employed upon the Los Angeles newspapers, and it was while thus engaged that State Mineralogist Aubury made a trip to that city for the purpose of conferring with me upon the subject of suppressing the wholesale depredations. He was aware that I had had considerable experience in public land matters, and besides we were friends of long standing. As a result of his visit, I proceeded northward under a commission as "Special Agent of the California State Mining Bureau," with power to investigate conditions and report my findings to Mr. Aubury. I took the field October 8, 1902, and in less than 30 days had submitted a report that revealed an awful state of affairs, the publication of which had the effect of opening the eyes of Secretary Hitchcock to the true situation. I drove for more than 600 miles through the mountainous districts of Northern California in a light buggy, in the course of which I traversed portions of Yuba, Butte, Sierra, Plumas, Lassen, Tehama, Shasta and Siskiyou counties.

While the looters of these magnificent forests had been swift in their operations, like any raiding organization, they left a well-defined trail behind them, and this it was an easy matter to follow. In fact, their work was so "raw," to use a common expression, that a blind man could not have failed to become cognizant of what was going on, and why they were allowed to operate in this fashion for such a length of time under the very nose of the Government, can only be explained upon the hypothesis that Binger Hermann was at that time Commissioner of the General Land Office.

The Marysville Land Office was my objective point after leaving San Francisco, and here it soon became evident that the complaints of the miners of Northern California were not without foundation. It developed that Register Johnson was likewise business manager of the Appeal, a local newspaper, and that he spent most of his time attending to those duties. It seems that he only came to the Land Office when sent for to sign papers that had been prepared

Lewis E. Aubury, the honest State Mineralogist of California, who has earned the everlasting gratitude of the miners of the Golden State by his fearless attitude in protection of their interests

by Mrs. Coult, his mother-in-law, who was not only chief clerk of the Land Office, but also the sister of Charles E. Swezy, an attorney who had for years dominated the affairs of the Governmental institution, and had practically run things to suit himself.

My investigations indicated that out of a total of 170 forest reserve lieu selections filed at the Marysville Land Office since the Act of June 4, 1897, had gone into effect, aggregating 29,005.59 acres, Swezy had appeared as attorney of record for 160 thereof, embracing an area of 27,079.16 acres. Nearly all these selections had been made in the interest of Thomas B. Walker, a multi-millionaire lumberman of Minneapolis, Minnesota, who was reputed to be an intimate associate of James J. Hill, the great Northern Pacific railroad magnate. Swezy admitted to me that he had also filed forest reserve selections in the Susanville Land Office covering 70,000 acres, and 14,000 acres in the Redding district, or more than 110,000 acres altogether within a few months in behalf of Walker, who was likewise employing the services of other land agents in his efforts to grab all he could of the public domain, besides purchasing private holdings wherever obtainable within the scope of his operations. I traced fully 500,000 acres into Walker's hands, and my researches were only stopped by the Oregon Boundary. How much he got hold if in that and other heavily timbered states is a matter that would probably stagger the imagination, but it stands to the everlasting shame of the nation that grafting members of both branches of Congress have manipulated the public land laws in such a way as to equip the organized wealth of a single person with the power to acquire a territory so vast in extent that the feudal barons of old would appear like petty larcenists in comparison.

After gathering a sufficient amount of data at the Marysville Land Office for all necessary purposes, I proceeded to Oroville, where I hired a livery rig, and for nearly a month occupied my time in traveling through the region mostly affected by the operations of the land-grabbers, in the course of my investigations, visiting the following places: Mooretown, Merrimac, Magalia, Inskip and Chico, Butte county; La Porte, Quincy, Crescent Mills, Taylorsville, Greenville, Prattville, Humbug Valley and Longville, Plumas county; Gibsonville, Table Mountain and Poker Flat, Sierra county; Yuba Dam, Yuba county; Red Bluff, Tehama county; Redding, Shasta county, besides other points of minor importance.

At nearly all of these places I remained long enough to listen to the grievances of the miners, and to make personal inquiry therein, as I had no desire to base my conclusions on hearsay evidence. I found that in practically every instance the State Mining Bureau had been correctly informed as to the character of the alleged interference with the rights of the miners, although it was soon apparent that the complaints of the latter in no material sense measured the extent of the depredations, much of which was uncovered by my subsequent examinations of the Land Office records of the Marysville, Susanville and Redding land districts. For example, I would note carefully the exact location in each section of the different unpatented mining claims, and after going over the land office records would compare the various forest reserve lieu selections under the Act of June 4, 1897, the timber and stone Act of June 3, 1878, and the State lieu selections, with the descriptions embraced in the unpatented mineral entries that I had obtained from the county records, and the result was appalling.

Aged and discrepit miners, who had earned a livelihood from their holdings for years, and who had, in many cases, reared large families thereon, found themselves in the merciless grasp of these inhuman plunderers, and liable in the sundown of their lives to be deprived of property that had been their only source of income for a score or more of years. General indignation prevailed when the real situation of affairs became apparent, and at several places, notably Gibsonville, Sierra county, and towns throughout Indian Valley, Plumas county, there existed a strong inclination in the direction of reviving the old lynch law spirit.

At Marysville, immediately upon realizing what the probable outcome of my investigations would be, based upon what I had already discovered, I wired State Mineralogist Aubury to request Governor Gage to join himself and the Sacramento Valley Development Association in urging the Secretary of the Interior to suspend all land entries in the Marysville, Susanville and Redding districts until I was in a position to report my findings. I had already unearthed sufficient to warrant these precautionary measures, and in my opinion it was the most expeditious way to call an emphatic halt upon the headlong rush of the timber looters.

Town of Taylorville, Indian Valley, Plumas County, California, which had a narrow escape from being included in a fraudulent timber claim

At Mooretown, Butte county, situated many thousands of feet above sea level, occurred one of the most prophetic episodes I ever experienced. It was somewhere near the middle of the month when I reached there, and the night was particularly brilliant under the radiant glare of a full October moon. Suddenly there was a darkened aspect, and in a seemingly magical way, as hardly any of the mountaineers had been made aware of the approaching phenomena, the heavens took on a murky appearance, and in an incredibly short space of time the lunar orb, which only a few moments previously had appeared so attractive to the eye as it floated majestically across the skies, was enshrouded by a pall of inky blackness, bringing me to a full realization of the fact that we were passing through the famous total eclipse of the moon of that year, and the event, unheralded as it seemed to be in a way, certainly made a deep impression upon me.

"It is the hand of destiny," I thought. "A shadow on the wall of coming events from Washington."

By the time I reached Quincy, the county seat of Plumas county, the whole country was ablaze with the report that President Roosevelt had issued an executive proclamation making provisional suspension of a vast extent of territory for forest reserve purposes, covering hundreds of square miles, and embracing millions of acres in the very heart of the affected district, and I felt absolutely certain that his action meant the beginning of the end of the reign of the looters, and that the Chief Executive of the nation, inspired by the instincts of providential power, had cast a mantle of suspension over this vast area that promised to eclipse every fraudulent effort to acquire its titles.

Under the provisions of the order of suspension, all further entries of public lands in the Susanville district were prohibited until such time as the Land

Department in Washington had been afforded opportunity for making investigation. It was a bitter pill for the timber thieves to swallow, and they did so with equal grace to that displayed by a shark in becoming reconciled to the unexpected loss of its prey.

Indignation meetings were cleverly arranged by those mostly interested in the operations of the looters, at which resolutions were adopted protesting against the action of the President in creating the reserves. The leading spirits at these demonstrations included the editors of local newspapers who had prospered inordinately under the stimulus of innumerable timber land notices; timber cruisers who were being paid enormous fees for their services, and hotel keepers and liverymen, temporarily intoxicated by the tonic of the wealth produced by the activity of the men who were robbing themselves and their children of their most magnificent heritage. They were bartering their birthright for a mess of pottage, but blindness to every consideration except selfish greed led them to kiss the chastening rod.

One of their principal arguments was that the creation of these forest reserves would ruin the mining industry, and it appeared to be a trump card in the game, because nearly everybody in that region was more or less interested in mining. Believing that the State Mining Bureau was primarily responsible for the changed conditions, as its representative I came in for a goodly share of censure, so that when I reached Greenville, in Plumas county, George Standart, one of their leading agitators, was waiting for me, primed with reasons why the reserves should not be created.

We engaged in a wordy combat to a finish in front of the local hotel, before an audience that represented practically every interest of the community, and I let him harangue the crowd to his heart's content upon the theory that the creation of the forest reserves would prevent further filing of mining locations. It was the one string to his oratorical fiddle, and he played upon it with an artistic zeal that would have done credit to a better cause. In words of pathos, he painted a dire picture of the people being shut up in these reserves like caged animals, and denied the right to acquire title to their mining property, or even explore undeveloped territory.

After he had finished with his masterly effort, I produced a small paper-covered volume that came from the Government printing office in Washington, and proceeded to read a few chapters from its pages for the edification of those gathered around me, with the result that my opponent received more than his full measure of ridicule from those who had previously championed his contentions. The pamphlet contained all the laws relating to the establishment of forest reserves, in which the fact was emphasized repeatedly that title to mining ground can be acquired in any forest reserve of the country, and prospecting prosecuted unmolested, where no other industry would be permitted to flourish excepting under annoying restrictions.

In view of the circumstances, it dawned upon the crowd that forest reserves were the most effective means of protecting them from the encroachment of the timber thieves, and they lost no time in making themselves heard upon the proposition. Eventually it became generally recognized that the policy of President Roosevelt in establishing these reserves was based upon sound principles of public welfare.

Although it was conceded that the action of the President in making the temporary suspensions had placed a severe check upon timber entries of all descriptions, I continued on to Susanville, and spent some time investigating various phases of the situation. Imagine a small hamlet of a few hundred inhabitants suddenly aroused from its pastoral slumbers by the clang and clamor of commercial greed, and the reader will have a fair idea of the conditions that prevailed incident to the abnormal rush of Eastern speculators and their hordes of followers to acquire title to the valuable timber lands of that region. Unquestionably the finest body of sugar pine timber in the world existed in the basin known as

Town of La Porte, Plumas County, California. During the celebrated trial of the North Bloomfield debris case in 1883 Wells, Fargo & Company's express officers at San Francisco produced documentary evidence showing that in a period of 30 years preceding said suit, shipments had been made through the express company from La Porte aggregating more than 100 tons of gold. It was in this vicinity where the scrippers had been most active in filing forest reserve lieu selections under the Act of June 4th, 1897, over the unpatented mineral entries of prospectors, some of whom had been in peaceful possession of their claims for more than a quarter of a century

the Big Meadows of Plumas county, and here was where all the energies of the grabbers were concentrated, so that it was no wonder that in a very few months the public domain within a comparatively small territory was despoiled to the extent of a quarter of a million acres before the ravenous appetites for plunder had been half satisfied.

The United States Land Office was located in Susanville, and to show what effect the boom in timber lands had produced upon the business of the office, it is only necessary to refer to some of the financial returns. Within a period of nine months during 1902, 503 entries under the timber and stone act of June 3, 1878, had been filed, covering more than 80,000 acres. In addition, selections under the forest reserve lieu land Act of June 4, 1897, were made, amounting to 108,425.57 acres, while State lieu selections embracing more than 70,000 acres were also recorded, the whole aggregating a total area far in excess of 250,000 acres in a single land district since the rush began. The cash receipts of the Susanville Land Office for the quarter ending October 1, 1902, were $61,826.07, as against $4,613.62 for the preceding quarter, a gain of $57,212.45. Strange that all these facts did not arouse the suspicion of the Commissioner of the General Land Office, but then it must be understood that Binger Hermann at that time filled the position of Commissioner.

The town of Susanville was thronged with strangers upon my arrival, and they made no secret of their presence. All were there for the purpose of filing timber claims and afterward disposing of them in accordance with a prior arrangement, although the Act of June 3, 1878, under which they had made their locations, distinctly provides that the entryman must take the land up for his own use and benefit, and for the use and benefit of no other person or persons whomsoever, and that he has made no contract or agreement to sell the same. The 500 and more who had filed entries under this Act also made affidavits to this effect, and each and every one violated their oaths in almost the same breath they were given.

Whole families came to the Land Office with that object in view, and I encountered one instance where a man, his wife and four grown children had located timber claims and afterwards borrowed $2,500 from a local bank to make payment thereon, giving mortgages on the lands as security. This family had only a short time previously been refused credit for a sack of flour at the grocer's, and under ordinary circumstances the banker would have ordered them all ejected from the financial establishment for their audacity in seeking to borrow money upon such flimsy security, but upon this special occasion the eminent financier looked pleased to see them, and shelled out the coin with an eagerness that betokened its own conclusion. He had reason to be gratified with their patronage, too, because in his coffers was a certified check for an amount covering any sum that he was liable to be called upon to meet in the way of drafts of this character, and besides he was paid a handsome bonus for his services in acting as a "go-between" in the transaction that involved the commission of a direct fraud upon the Government, and of which he was fully cognizant at all stages of the proceedings to acquire these illicit titles.

Immediately after the issue of the final certificate, the tract became negotiable, and the entryman had no sooner emerged from the Land Office after making payment, than he was approached by an agent of the syndicate with an offer to purchase. In every case about the following stereotyped conversation would take place:

"I see that you have just paid up on your timber claim—would you like to sell it?" inquired the suave agent.

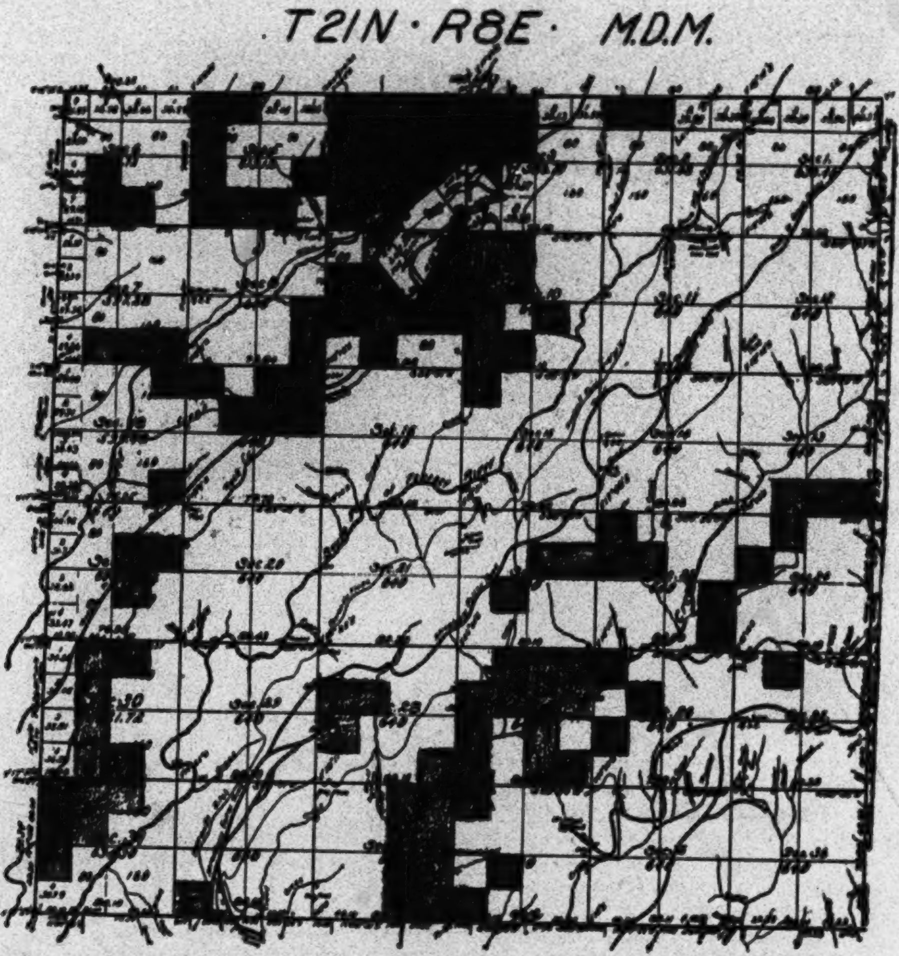
"I hadn't thought much about it," responded the timber claimant, with an air of assumed surprise, although it was notorious that he had filed on the land for the benefit of the agent's principals, had borrowed money from the bank with which to pay for it, that he knew had been deposited there by the man who was now negotiating with him, and he was aware also that his whole conversation on the subject with this individual was a lot of horse play that had been rehearsed beforehand many times.

"Well, I am buying up a few of these claims, and if you care to sell I will give you $600 for yours."

The bargain is struck forthwith, and they repair to a convenient notary, where the entryman transfers all his right, title and interest to some person or persons designated by the agent, and receives in payment therefor the note and mortgage he had given the bank less than 20 minutes previously, besides the difference in coin, and the iniquitous deal was concluded.

Another glaring fraud that came under my observation while at Susanville was the case of 16 locators who had gone to the Big Meadows country, a distance of 35 miles, for the purpose of making personal examination of each legal subdivision in order that they might "prove up" on their claims. The executive proclamation suspending entries in the Susanville district permitted final proofs to be made in every instance where the preliminary steps of that character had been taken, and it was essential that the two necessary witnesses should be prepared to testify that they were personally familiar with each legal subdivision contained in the particular entry for which they were witnesses. Usually where a number of persons located in a group this way, they would act as witnesses for each other, and the case at issue was no exception.

They left Susanville early one morning, and returned the following evening, having traveled 70 miles over a rough mountainous road, and during their absence were presumed to have made personal inspection of 16 quarter sections of land scattered over several distinct townships, miles apart, and situated in the



Scope of operations of the timber thieves in a highly mineralized township of Plumas County, California. Shaded portions indicate the extent of forest reserve selections filed during 1902 by Jacob H. Cook in the interest of Wheeler Brothers eastern timber land sharks. In some instances unpatented mining claims that had been worked for years were embraced in these selections. The patented claims are shown completely surrounded by forest lieu selections. A special agent of the General Land Office, who is known to have accepted money from Fred A. Kribs, reported that he was unable to find any traces of mineral in this township. The official survey was approved by the United States Surveyor General March 21, 1885, and contains a note to the effect that "Deputy Surveyor D. C. Hall states in the general description of this township that placer mining is carried on quite extensively in the same."

midst of the forest where fallen trees interfered with locomotion away from the roads to such an extent that it was practically impossible to make any progress with a vehicle. And yet those 16 persons went before the Register of the United States Land Office upon their return, and with hands uplifted to high heaven, solemnly swore that they had just passed over each and every legal subdivision embraced in the different entries, knowing full well that they were committing perjury, and that to do what they had just sworn they had done, would have involved at least a week's effort.

I remained in Susanville several days, gathering much valuable information concerning the operations of the land grabbers. None of the dummy locators

Scene in the United States Land Office at Susanville, California, during the great rush for timber claims in 1903. S. G. Ruby, Special Inspector, Interior Department, is standing in window, with hat on. Officials of the Land Office are also shown

seemed disposed to know or care who or what I was, or anything about my mission, openly discussing the ruling prices for making these timber entries pretty much in the same manner that Wall street brokers would talk about the rise and fall of the stock market.

One man was particularly jubilant over the fact that he had secured the top figure—$300 bonus—not only for himself and wife, but for his two daughters as well, and was returning to his Wisconsin home $1200 better off than when he came out, in addition to having the expenses of a three weeks' vacation trip paid by the syndicate that had corrupted himself and those supposed to be dear to him.

Another person, of the Hebrew persuasion from San Francisco, was bemoaning his ill-luck in having got caught in the President's order of suspension before having a chance to locate his entire family on timber claims. It was amusing to hear him carry on about the matter, and in the bitterness of his heart, every branch of the Government, from the Chief Executive down, came in for a share of condemnation in having deprived him of the divine privileges of earning a few dishonest dollars.

It was apparent after my investigation of the records of the Susanville Land Office, as well as from what I already knew about the affairs of the Marysville Land Office, and from what I afterwards found out in connection with the situation at the Redding Land Office, that the timber lands of Northern California were being systematically absorbed, principally in the interest of Thomas B. Walker, of Minneapolis, Minnesota; D. G. Curtis, E. S. Collins and Charles H. Holbrook, of San Francisco, comprising the firm of Curtis, Collins & Holbrook Company; W. E. Wheeler, of Wheeler Brothers, New York capitalists, and the Diamond Match Company, which holds a complete monopoly upon its special production. The latter concern has since erected an immense plant in Butte

The trail of the timber thieves led from the Susanville, California, Land Office to the Big Meadows Country, through Fredonia Pass, which is shown above. In the early days this was one of the most dangerous routes in the Sierra Nevada Mountains, on account of Indian depredations

county, capable of supplying the markets of the world, besides establishing the town of Stirling on its holdings. It has proceeded along scientific lines in the care and management of its property, and by purchase from private ownership, and through other sources, has acquired a body of magnificent timber, aggregating more than 75,000 acres.

Of all those who profited by the efforts to gobble up immense tracts of the public domain, it may be said in justice to the Diamond Match Company that it was the only one of the quartet of plunderers that has since proven of any special benefit to the community. This corporation has gone ahead and done something tangible, and by its fixed purpose of industry has earned the gratitude of the community, while the others have been merely a detriment to the development of the country so far as any practical benefits are concerned. Their broad domains are lying idle today, and are rendering to humanity no more legitimate returns than are embodied in the growth of a cancer.

I found conditions at the Redding Land Office similar to those existing at Susanville, with the exception that there was no suspension of public entries. In consequence timber filings and forest reserve lieu selections were pouring in by the hundreds, and an extra force was required to handle the increased business.

In Township 28 North, Range 3 East, Mt. Diablo Base and Meridian, the Curtis, Collins & Holbrook Company made a forest reserve lieu selection embracing nearly 13,000 acres, and when it is considered that an entire township of thirty-six square miles contains but 23,040 acres, it can be readily perceived that some of the big thieves of ancient history, were they in any position to express an opinion upon the subject, would feel amazed at their own moderation.

Not being particularly concerned in the raids that were being made upon Government lands other than to endeavor to protect the mining interests there-

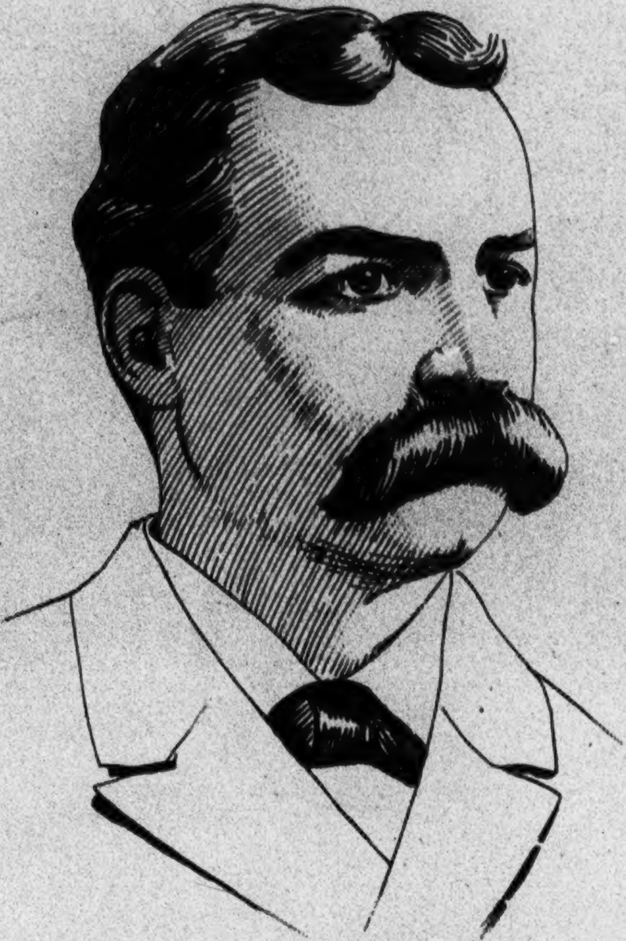
Camel's Peak, Plumas County, California, in the heart of a rich mining district that was the prey of the timber thieves. From a point thirty miles distant

from as far as possible, I paid no especial heed to the number or extent of fraudulent timber entries in any of the land districts. It was none of my business to undertake to expose any of these fraudulent transactions, and I exceeded my authority in doing so; but the methods of these looters were too rank to go unnoticed altogether, and I considered that one of the fundamental aids to my own cause was in pointing out the manifest weaknesses of those I was seeking to deter from menacing the mining industry.

There is nothing quite so effective in the suppression of vice or wrongdoing in any form as wholesale exposure. Turn on the light of publicity and there is a general scurrying to cover of every instinct of rascality. I never knew it to fail, and the present instance was no exception.

At Redding I wrote a full report of my observations to State Mineralogist Aubury, covering all phases of the situation, and containing about 10,000 words. It was not only given a wide range of publicity through all the San Francisco newspapers, but copies were sent to President Roosevelt, Secretary of the Interior Hitchcock, Commissioner of the General Land Office Hermann, besides various civic organizations, including the Sacramento Valley Development Association, which had all along been a staunch ally of the State Mining Bureau in its efforts to prevent the iniquitous absorption of mining claims by timber speculators, and to suppress fraudulent land operations of whatsoever character. In addition, copious extracts from the report were made by the interior press of California, and for months its contents formed the subject matter for wide discussion.

Soon after returning to San Francisco from my trip, in the early part of December, 1902, I was informed by Mr. Aubury that Ex-Governor Andrew



H. H. Yard, the "frenzied" mineral locator, who blazed the way for the coming of the Western Pacific Railroad by filing on 265,000 acres of valuable timber lands in Butte, Plumas and Lassen Counties, California, under the placer mining laws of the United States

H. Burke, of Colorado, then acting as Inspector of United States Surveyor-Generals and District Land Offices, had been sent out by Commissioner Hermann for the purpose of investigating my charges against the officials of the Marysville Land Office, and was desirous of consulting me upon the subject. A meeting was arranged accordingly for the next morning, and the first remark Inspector Burke made to me after our formal introduction was:

"Just see what you have gone and done, Mr. Stevens,—you are going to make me lose my Christmas turkey!" and his face assumed a look of woe that was sad to contemplate.

He had figured on reaching Denver on Christmas day, and had allotted his limited time in accordance with this idea when unexpectedly called on by his superior officer to attend to a pressing official duty.

Gibsonville, Sierra County, California, where the lynch law spirit was aroused against the Scrippers. Plumas T. Turner, the first white person born in Plumas County, is shown in the background

Here was a man, occupying one of the most important Federal positions within the gift of political pull, who was worrying for fear he would not get home in time to partake of Christmas cheer.

As I regarded him standing there, holding in his hand a telegram from Commissioner Hermann instructing him to interview me relative to my specific charges against the Marysville Land Office, with his monstrous paunch protruding in a mute appeal for the good things of life, and overshadowing all demands of official duty, I could not help wondering if it ever occurred to him that perhaps some of the old miners up in the mountains were worrying about their homes, and I could not see how he could relish his Christmas turkey when the feast was haunted by any such apparition.

I could not help thinking about the kind of a show the miners would have in the adjudication of their rights as against the wholesale wrongs of the rich timber thieves, especially with such a man sitting in judgment upon the issues involved; and as I remembered some of the sorrowful tales that had been related to me by men who had passed the best years of their lives in developing their claims, inspired by the hope of some day striking it rich, only to be rudely awakened by the coming of the looters, it made my blood boil to think that they were at the mercy of one whose belly outweighed every consideration of justice.

Inspector Burke visited Marysville and remained one day, taking his departure with such vivid promptness that he was enabled after all to make close connections on his Christmas turkey. Whether he went near the Land Office or not, is a mooted question, but in any event he submitted a report, based upon conclusions after a few hours of observation, and passed judgment upon findings that had taken me several days to reach. My experience with matters relating to the public domain covered a period of more than 20 years, while all that Burke did not know about Land Office records would make a book of such huge proportions that this volume would resemble a vest pocket edition of a postage stamp in comparison. And yet, he had the audacity to say in his report to the Commissioner of the General Land Office that my charges were based upon personal prejudice against the Land Office officials.

Before he left for Marysville I had given him a written memoranda at his request, telling him where he could find each book bearing upon my charges, but if he ever went near the office he certainly made no personal examination for the simple reason that it would have been a physical and mental impossibility for him to have done so in the limited time he took from his turkey.

So far as any prejudice against the Land Officials is concerned, I never met any of them prior to my inspection, and the only acquaintance I had there was with Attorney Charles E. Swezy, hitherto referred to, who had been associated with me at Bakersfield, Cal., in the fight against the oil men, and had I been inclined to favor anybody it most certainly would have been one with whom I had long been on terms of intimate friendship.

Commissioner Hermann sustained Inspector Burke in his report, and then the officers of the State Mining Bureau got exceedingly busy. Most of them had personal knowledge that my charges were true, and President William C. Ralston, of that institution, declared war on the whitewashing policy of the Land Department. He went to Washington forthwith, and, accompanied by United States Senator George C. Perkins, of California, called upon Commissioner Hermann, and endeavored to dissuade him from perpetrating a wrong by upholding Burke's false findings.

They received a most frigid reception from Hermann, so it is said, and in view of subsequent events connecting the ex-Land Commissioner with Oregon indictments for complicity in the frauds, the action of Hermann is not at all surprising. It would never do to let the light of day shine on any transaction where he was liable to be concerned, and so the head of the public land service sought in every way possible to stave off what he must have then realized was the judgment day. That accounts for his motive in frowning on every effort to probe for the facts.

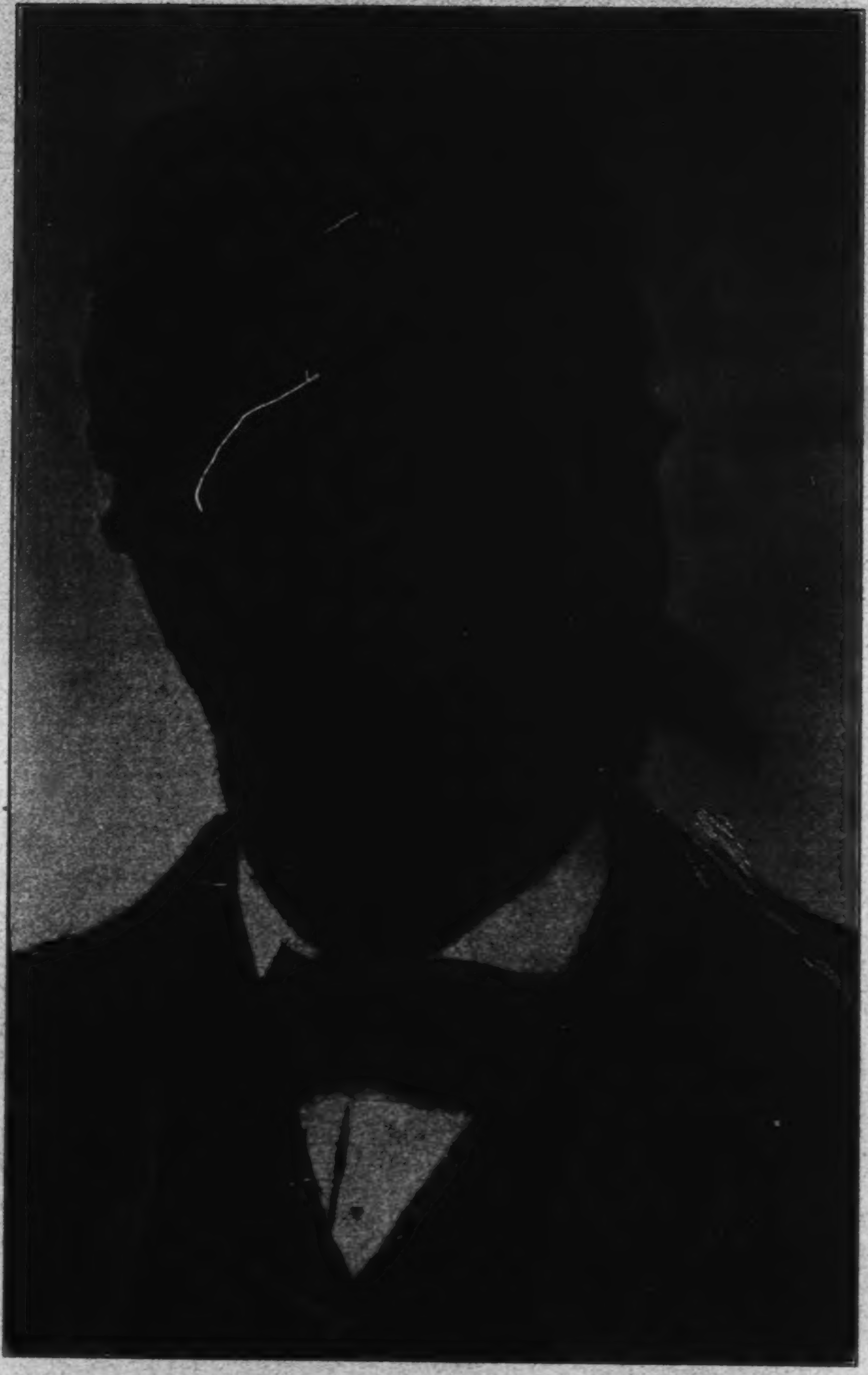
He reckoned without his host, however, in his dealings with Ralston. That individual, famed for his aggressive spirit, was all the more determined to sift the matter to the bottom, with the result that he succeeded in interesting President Roosevelt upon the subject. In response to the Chief Executive's direction, Secretary Hitchcock dispatched S. G. Ruby, Special Inspector of the Interior Department, and a man in whom he had the most implicit confidence, to the scene, and, after making a thorough investigation, Mr. Ruby sustained me in every particular.

One of the fruits of Ruby's report was the enforced retirement of F. E. Johnson as Register of the Marysville Land Office as soon as his term of office expired a short time after these occurrences; and the following Associated Press dispatch, taken from the San Francisco Bulletin of November 11, 1903, tells its own story as to what happened to Burke:

LAND AGENT BURKE IS ALLOWED TO RESIGN.

Secretary of the Interior Was Dissatisfied With the Work Done in the Marysville Land Fraud Cases.

Washington, Nov. 11.—The Secretary of the Interior today accepted the resignation of Andrew H. Burke, a former Governor of North Dakota, who went to California some months ago under appointment of the then Land Commissioner Hermann to investigate the alleged land frauds in the Marysville district. It was said at the Interior Department that Mr. Burke would have been removed had he not resigned. The reason is that Secretary Hitchcock was dissatisfied with the report Burke made of the investi-



Edward H. Benjamin, who used his position as Secretary of the California Miners' Association to further the interests of the H. H. Yard placer mining locations

gations at Marysville. That report practically whitewashed the whole business, and since it was made the Interior Department had found there have been extensive frauds throughout the district, and that Burke failed signally to discover them.

Nor was the enforced retirement of Register Johnson and Inspector Burke the only fruits of the exposure of affairs at the Marysville Land Office. It was practically the beginning of the friction between Secretary of the Interior Hitchcock and Commissioner of the General Land Office Hermann, which culminated in the latter's expulsion from the position, and the appointment of W. A. Richards to fill the place.

After Hermann's peremptory removal as head of the Land Department, he retired to private life, but at the next election sought vindication at the hands of the people of his Congressional district, which was accorded him in a manner that must have been extremely gratifying to his personal vanity, as he was elected by a large majority. The campaign was productive of some dark hints of Hermann's unworthiness, but these rumors had little effect upon the opinions of voters.

What added to the popularity of the ex-Land Commissioner was the fact that while making his canvass during the summer of 1903, President Roosevelt visited Oregon in the course of a tour of the Pacific Coast, and upon this occasion Mr. Hermann practised the clever deception that is referred to heretofore, wherein the disgraced former Land Commissioner succeeded in having himself photographed with the President on the rear platform of the Presidential train.

In the course of a recent interview with a St. Paul newspaper, Thomas B. Walker rushes to the aid of down-trodden millionaires in this fashion:

> **"Hill is entitled to 10,000 times more credit for his work in the Northwest than is William Van Horne and other men who have played similar parts in Canada. Yet Van Horne and some of his associates have been knighted and honored by the British government and Hill is attacked and condemned by the farmers of the Northwest. As a matter of fact the Hill merger of the Northern Pacific, Great Northern and Burlington was the only thing which prevented St. Paul and other Minnesota cities from becoming mere way stations on transcontinental lines owned and controlled by Harriman.**
>
> **"One of the best citizens in the United States is John D. Rockefeller. He is honorable, just and fair. He is a good Christian. There is no better thumbed Bible in the country than that of the oil king. He knows and loves the Scriptures. And yet how he is reviled by the unthinking!"**

It was during my trip through the northern counties of California for the State Mining Bureau that I became cognizant of one of the most brazen attempts to grab a large body of public and private land that ever came under my observation. My attention was first called to the situation while at Oroville, which seemed to have been the head center of the scheme, as the idea originated there, and it was at this place where most of its leading promotors resided. In brief, the proposition was for eight men to file on twenty acres of land each under the United States placer mining laws, pooling their issues in a single claim of 160 acres, and continuing in this manner until they had secured all the land they required for their purposes. By this method they could apparently locate the entire universe, or at least that portion of it within the jurisdiction of Uncle Sam, as the statutes governing mineral entries seemingly place no limit upon the number of claims eight persons could thus locate.

At all events, I ascertained that H. H. Yard, J. P. Cleary, W. Haines, F. E. Emlay, N. J. Conover, R. T. Hall, W. E. Allen and W. S. Jackson had already filed upon more than 100,000 acres in Butte and Plumas counties by this process, with several counties yet to hear from, and it developed afterward that they increased their holdings to upward of 265,000 acres before their lust for land had been fully satisfied.

Cleary, Haines, Emlay, Conover, Allen and Jackson were all residents of New Jersey, Pennsylvania and New York, while Yard and Hall claimed Oroville as their legal place of abode.

Although the placer mining laws in themselves placed no obstacle, apparently, in the way of a group of locators securing an almost endless quantity of land by this method, as a matter of fact, the decisions of the higher courts of various States took a different view of the matter. Here is how the tribunals ruled in several well-known cases:

> "A placer location, even though taken by legal subdivisions, is required by law to be staked or marked on the ground."—Gregory vs. Pershbaker; 73, Cal., 109.
>
> "The location of placer claims, using the names of persons as co-locators who are not intended to have any real interest, but who are to convey the rights after location (commonly called dummy locators) is a fraud upon the Government."—Mitchell vs. Cline; 84, Cal., 409.
>
> "A mere posting of notice on a ridge of rocks cropping out of the earth, or on other ground, that the poster has located thereon a mining claim, without any discovery or knowledge on his part of the existence of metal there or in its immediate vicinity, would be justly treated as a mere speculative proceeding, and would not of itself initiate any right. There must be something beyond a mere guess on the part of the miner to authorize him to make a location which will exclude others from the ground, such as the discovery of the precious metals in it, or in such proximity to it as to justify a reasonable belief in their existence."—Erhardt vs. Boaro; 113, U. S., 527.

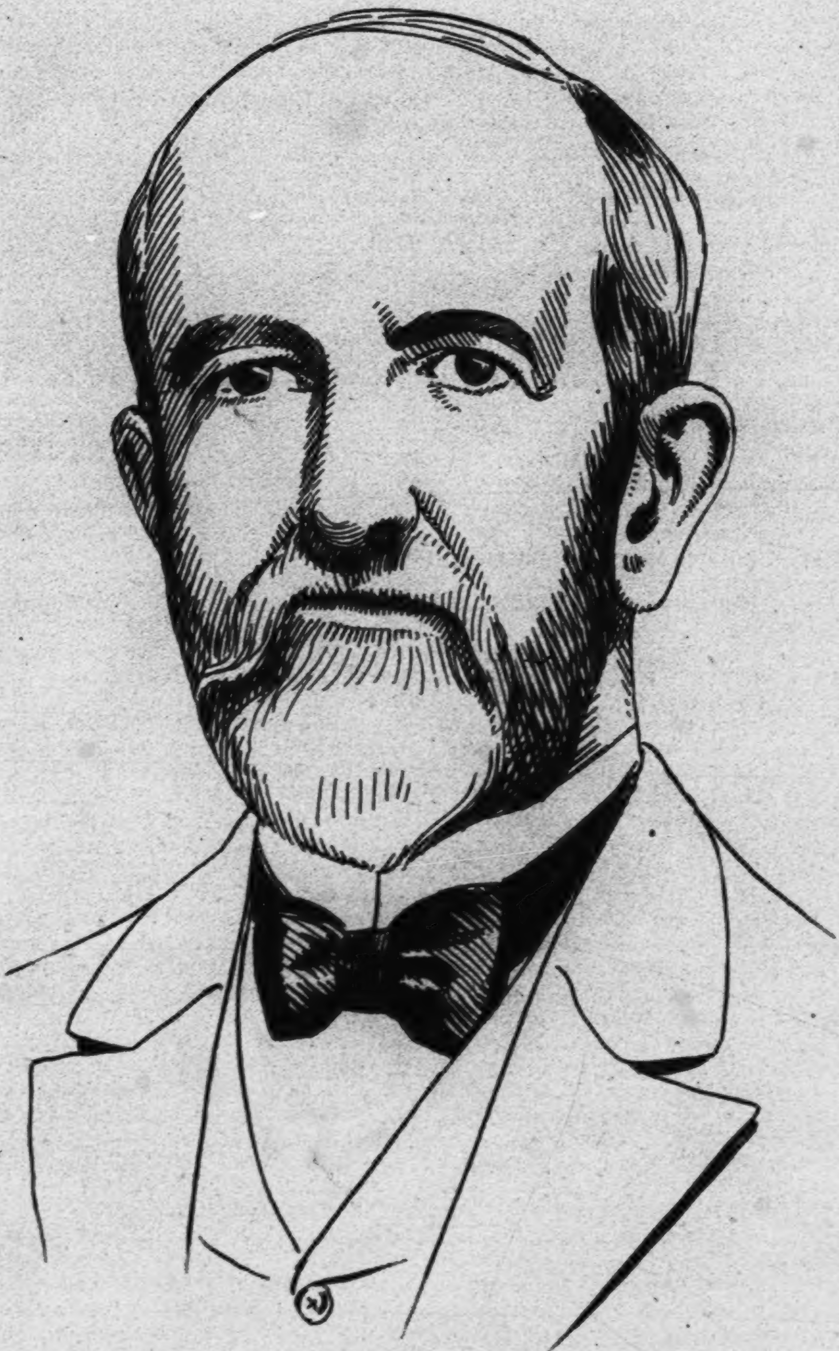
Beginning at a point a few miles north of Oroville, the foregoing locators had filed on a strip of land for five miles on either side of the North Fork of the Feather river to its intersection with the east branch of the stream; thence along the latter to the town of Shoo Fly, in Plumas county, where Spanish Creek empties into the east branch of Feather river. Later they continued their operations by covering practically all the territory existing between that point and Beckwith Pass, in spite of the howl of disapproval that was raised against their unwarranted proceedings. It seems they took scant heed of existing rights, but filed indiscriminately over everything that came in their path, including private property of all kinds, patented ground, tracts embraced in railroad grants, besides everything else that got in their way, upon the broad and impartial basis that all was fish that came to their nets.

The locations, when actually made in the field by Surveyor B. L. McCoy and his crews, comprised the posting of notices on contiguous corners of quarter sections, along the section and township lines. The notices were on printed blanks of the simplest form, filled in with the legal subdivisions claimed, and with the names of the same eight locators constantly repeated, except in a few instances. Two witnesses were generally provided from the surveyor's crew.

A close inspection of the ground afterward by one of the field assistants of the State Mining Bureau indicated that only a limited portion of the notices were actually posted, the balance being simply "paper locations" put on record but not placed on the ground. None of the location notices recited the discovery of mineral, described corner stakes, or in fact carried out any of the technical provisions of the statutes.

While the locations were manifestly invalid, they answered the scarecrow purpose for which they were intended, and as a result the region affected by their iniquitous touch has ever since been closed to prospectors and consequent mineral development. It is seldom that an honest miner, intending to engage in the legitimate calling of his pursuit, will seek to enter a field where there is strong probability of endless litigation; so the consequences are that Yard and his associates have been permitted for the past six years to maintain a genteel system of blackmail in the interest of the Goulds.

What adds to the shame of the situation is the fact that members of the California Miners' Association, particularly Edward H. Benjamin, the secretary of the latter organization, have aided and abetted the scheme to tie up these mineral lands. Yard was shrewd enough to realize that it was necessary to secure the sanction of some similar body in order to cloak his operations with the appearance of genuineness, hence made Secretary Benjamin Vice-President of the "North California Mining Company," which he had organized also as one



Thomas B. Walker, the millionaire lumberman of Minneapolis, Minnesota, who brought out "dummy" entrymen from the East in carload lots for the purpose of grabbing the forests of the Sierras of the side issues to his wolf-in-sheep's-clothing enterprises. At one time the California Miners' Association exercised considerable influence in the development of the mining industry of the State, its sessions each year being attended by representative miners from all sections; but greedy commercial instincts got the upper hand with some of its leading members, in consequence of which the organization became afflicted with dry rot and gradually fell into decay. In order to recuperate, and endeavor to recover its lost position, recourse was had in a cheap initiation fee, so that for $1 anybody could join, with the result that most of its later sessions have been marked by the presence of everybody excepting miners.

Although the promoters of this vast system of mineral locators are known to have expended considerable money in making surveys and otherwise performing assessment work upon their claims, it soon became evident that the mining feature was not the real object of their tremendous activity, and in my report to State Mineralogist Aubury covering their operations I pointed out that what they were doing looked very much as if they were paving the way for some railway route.

As that time I had no idea of the magnitude of their scheme, nor had anybody else save those on the inside, my theory being that they contemplated the construction of some local electric line into the Big Meadows country in order to tap the rich timber belt of the region. It has since transpired, however, that Yard and his associates were acting in the interest of the Goulds, and were merely hewing a pathway for the coming of the Western Pacific, the new transcontinental line in process of construction at the present time. This feature of the situation is covered by the following special dispatch appearing in the Sacramento Evening Bee of July 1, 1905:

> **OROVILLE (Butte Co.), July 1.—An important business transaction was completed here this morning, when the interests of the North California Mining Company were turned over to the Western Pacific Railway Company. The North California Mining Company was organized by H. H. Yard, who located about 800 mineral claims in Butte and Plumas Counties. As Yard was known to be Gould's head man, and Gould was known to be a main factor in the Western Pacific, the position of the North California Company has been the subject of considerable speculation.**

No sooner had State Mineralogist Aubury become apprised of the situation through the medium of my report than he lost no time in endeavoring to put a stop to the scheme. He was honest enough in his undertaking, and perhaps in the next generation or so the Government may succeed in securing the cancellation of all the bogus mineral entries, but in the meantime all the mischief has been done, because, through their bold operations—paved with good intentions, but cleverly masking a gigantic fraud—the originators of the idea have warded off all interference with the plans of the Western Pacific, thus enabling that railway corporation to secure a route through the Sierra Nevada mountains second to none in the matter of economic grade.

In this connection I cannot refrain from printing a poem written by Sam. C. Dunham, now editor of the Tonopah Miner, but at one time a resident of Nome, Alaska. It expresses the idea so clearly in regard to the abuses of the United States Placer mining laws that its introduction at this time is quite apropos. While it relates to conditions in Alaska, it can be applied to almost any public land State in the Union:

State Mineralogist Aubury in his office

The Lament of the Old Sour Dough

I've trudged, and I've starved, and I've frozen,
All over this white, barren land—
Where the sea stretches straight, white, and silent,
Where the timberless white mountains stand—
From the white peaks that gleam in the moonlight,
Like a garment that graces a soul,
To the last white sweep of the prairies,
Where the black shadows brood round the Pole.

(Now, pray don't presume from this prelude
That a flame of poetical fire
Is to burst from my brain like a beacon,
For I've only been tuning my lyre
To the low, sad voice of a singer
Who's inspired to sing you some facts
About the improvements in staking
And the men who mine with an ax.)

I've panned from Peru to Point Barrow,
But I never located a claim
Till I'd fully persuaded my conscience
That pay dirt pervaded the same;
And this is the source of my sorrow,
As you will be forced to agree,
When you learn how relentless Misfortune
Has dumped all her tailings on me.

I worked with my pardner all summer,
Crosscutting a cussed cold creek,
Which we never once thought of locating
Unless we located the streak;
And when, at the close of the season,
We discovered the creek was a fake,
We also discovered the region
Had nothing left in it to stake.

We traversed the toe-twisting tundra,
Where reindeer root round for their feed,
And the hungry Laplanders who herd them
Devour them before they can breed.
Here it seemed that good claims might be plenty,
And we thought we would stake one—perhaps;
But we found to our grief that the gulches
Were staked in the name of the Lapps.

A hundred long leagues to the northward,
O'er the untrodden, sun-burnished snow,
We struggled, half-blind and half famished,
To the sea where the staunch whalers go.

The Lament of the Old Sour Dough

We found there broad beaches of ruby
And mountains with placers and leads;
But all save the sky was pre-empted
By salt-water sailors and Swedes.

Then we climbed the cold creeks near a mission
That is run by an agent of God,
Who trades Bibles and prayer-books to heathens
For ivory, sealskins, and cod.
At last we were sure we had struck it,
But alas! for our hope of reward—
The landscape from seabeach to sky-line
Was staked in the name of the Lord!

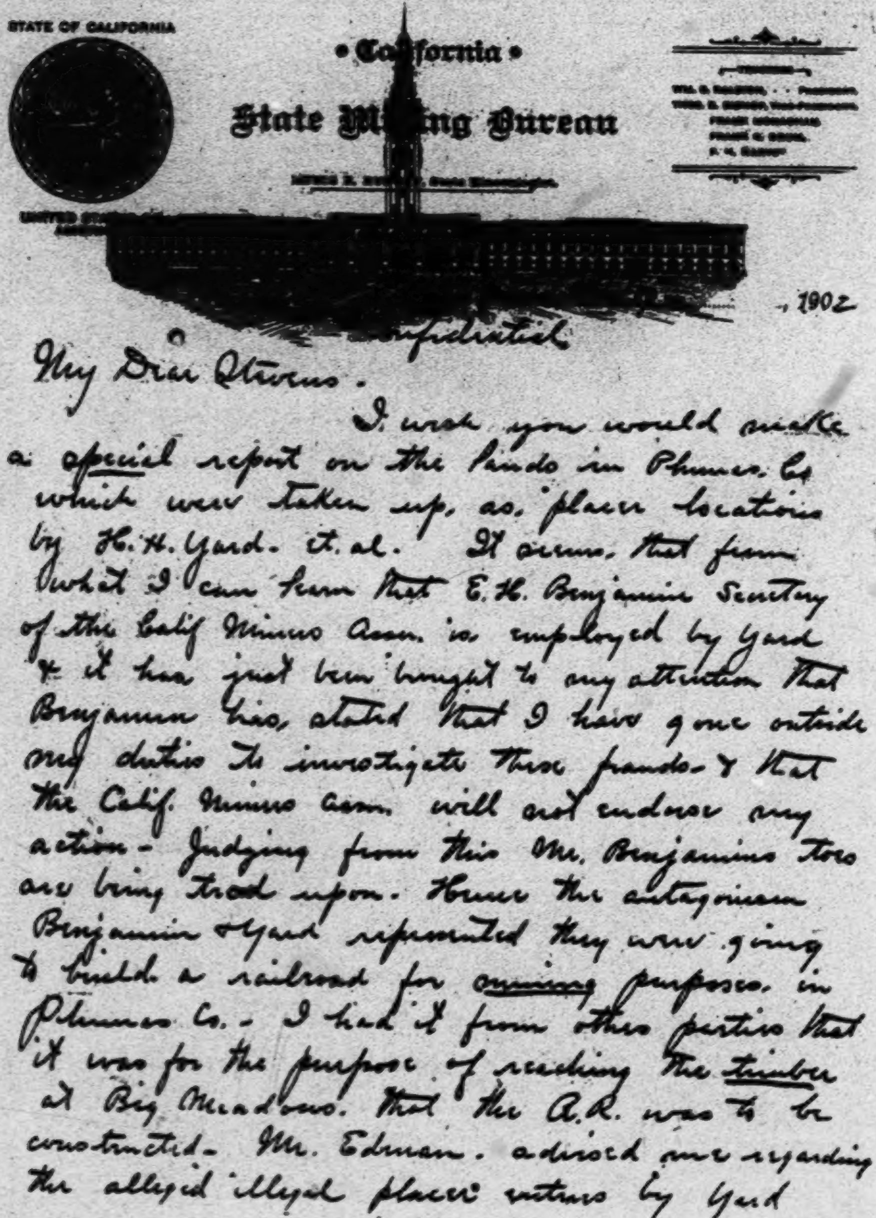
We're too slow for the new breed of miners,
Embracing all classes of men,
Who locate by power of attorney
And prospect their claims with a pen;
Who do all of their fine work through agents
And loaf around town with the sports,
On intimate terms with the lawyers,
On similar terms with the courts.

We're scared to submission and silence
By the men the Government sends
To force us to keep law and order,
While they keep claims for their friends,
And collect in an indirect manner
An exceedingly burdensome tax—
Assumed for a time by the traders,
And then transferred to our backs.

We had some hard knocks on the Klondike
From the Cub-lion's unpadded paws,
And suffered some shocks from high license
And other immutable laws;
But they robbed us by regular schedule,
So we knew just what to expect,
While at Nome we're scheduled to struggle
Until we're financially wrecked.

I'm sick of the scream of the Eagle
And laws of dishonest design,
And I'm going in quest of a country
Where a miner can locate a mine;
So when I have rustled an outfit
These places will know me no more,
For I'll try my luck with the Russians
On the bleak Siberian shore.

PHOTOGRAPHIC COPY OF LETTER OF INSTRUCTIONS WRITTEN BY STATE MINERALOGIST AUBURY TO HORACE STEVENS RELATIVE TO THE BOGUS YARD PLACER MINING CLAIMS IN BUTTE AND PLUMAS COUNTIES, CALIFORNIA.



STATE OF CALIFORNIA

• California •

State Mining Bureau

, 1902

Confidential

My Dear Stevens.

I wish you would make a *special* report on the lands in Plumas Co which were taken up, as placer locations by H. H. Yard. et. al. It seems that from what I can learn that E. H. Benjamin Secretary of the Calif Miners Assn. is employed by Yard & it has just been brought to my attention that Benjamin has stated that I have gone outside my duties to investigate these frauds & that the Calif. Miners Assn. will not endorse my action. Judging from this Mr. Benjamins toes are being trod upon. Hence the antagonism. Benjamin & Yard represented they were going to build a railroad for *mining* purposes in Plumas Co. I had it from other parties that it was for the purpose of reaching the *timber* at Big Meadows. that the R.R. was to be constructed. Mr. Edman. advised me regarding the alleged illegal placer entries by Yard

• California •
State Mining Bureau
[illegible] State Mineralogist.
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& I wish to have your unbiased report as it was asserted ~~that~~ Edman was an obstructionist etc. I expect that Benjamin will use his influence towards having any action condemned. hence I want you to furnish me with some fighting material on this subject → & if it is as I suppose it will be. I might be able to throw some dynamite into Benjamins camp. - As long as we know we are right we will fight these fellows to a finish - no matter who is injured thereby - Give them straight goods & we will leave it to the people of the State whether the right course is being pursued -

Please give these reports your present attention before continuing other investigations

Yours &c -
L. E. Aubury -

Chapter XXVIII

Grist of the Government's land fraud mill in the shape of indictments and convictions—How the famous Federal Grand Jury of Oregon put a stop to the reign of the looters. In the course of a session lasting several months, the body returns numerous indictments covering about every phase of the land fraud situation, with the result that twenty-seven persons have already been convicted, while other trials are to follow. Resume of the different cases, showing social status of most of those involved.

AFTER the confession of Puter, following his conviction in the 11-7 case, at the request of Francis J. Heney, Special Assistant to the United States Attorney-General, Judge Charles B. Bellinger reconvened the Federal Grand Jury, and in the course of a session lasting from December 17, 1904, to April 8, 1905, and for a few days in August and September of that year, no less than twenty-six indictments were returned by the inquisitorial body, affecting approximately 100 persons, many of whom were prominent. Without doubt, the operations of this Grand Jury were the most important, so far as the public domain is concerned, of any similar body that ever assembled in the United States, and its acts will go down into history as a monument to the overthrow of the looters.

Of the twenty men composing the body, twelve were farmers, two were Portland merchants, two were capitalists, while one fruit grower, one stockraiser, one hotel keeper and a laborer made up the remainder. All were drawn from different sections of the State, twelve counties being represented in the panel.

Too much praise cannot be accorded this famous body for its earnest efforts in probing the corruptive methods employed in acquiring title to the Oregon timber lands. By process of fraud of various kinds, millions of acres of the public domain, comprising practically the cream of an immense area, had passed into the hands of Eastern speculators and large lumber syndicates, whose agents had accomplished their base designs through the bribery of public officials, and by other corruptive tactics of equal degradation.

The Grand Jury was made up entirely of a class of men engaged actively in various industrial pursuits at the time they were chosen to make these investigations. For months they labored incessantly and faithfully at great financial sacrifice, and their unselfishness in this respect should earn for them the everlasting gratitude of all good citizens.

Upon the temporary adjournment of the Federal Grand Jury on February 13, 1905, it passed this set of resolutions:

"Resolved, by the Federal Grand Jury, that we extend our sincere thanks to District Attorney Heney for the uniform kindness and courtesy shown this body, and commend him for his faithful and efficient work on behalf of the Government.

"Resolved that a copy of these resolutions be presented to Mr. Heney with the compliments of this Grand Jury.—W. H. H. Wade, foreman; John W. Jory, secretary; L. A. Vogal, W. P. Dutton, Joseph Fetzner, George Giustin, Foster Adams, A. Bettinger, A. H. Parsons, George D. Peebler, L. R. Herren, F. G. Buffum, L. N. Edwards, William Shepherd, John Shaw, J. R. Hays, C. Christiensen, Joseph Essner, V. W. Robnett.

Following is a list of indictments returned by the body during 1904 and 1905. Those found in 1906, as herewith indicated, were the acts of a succeeding Grand Jury:

No. 2887—Indictment returned December 23, 1904, charging Franklin Pierce Mays, Horace G. McKinley, S. A. D. Puter, Marie L. Ware, Emma L. Watson, D. W. Tarpley and Robert Simpson with a violation of section 5440, being conspiracy to defraud the Government out of the title to public lands in township 24 south, range 1 east, Willamette meridian.

Those involved in this indictment have been referred to with such frequency in these pages that no extended comment is necessary. The "Robert Simpson" mentioned was a fictitious person. While the primary object of the indictment was to bring F. P. Mays within the meshes of the law, as a matter of fact, the latter was tried and convicted under indictment No. 2918, known as the "Blue Mountain Forest Reserve" case, and there is not much likelihood of No. 2887 ever coming to trial.

No. 2890—Indictment returned December 27, 1904, against Salmon B. Ormsby, William H. Davis, Clark E. Loomis, Henry A. Young and George Sorenson, with conspiracy under section 5440 of the Revised Statutes, to defraud the Government out of lands in township 11 south, range 7 east. Consolidated with case No. 2898, alleging conspiracy on the part of persons named with Binger Hermann, S. A. D. Puter, Horace G. McKinley, Emma L. Watson, Dan W. Tarpley, Elbert K. Brown, Mrs. Nellie Brown and Frank H. Walgamot.

The most interesting figure in this proceeding is Dr. W. H. Davis, the Mayor of Albany, Ore., at the time the indictment was returned, and also chairman of the Republican Central Committee of Linn County. It seems he undertook to do business in the fated township 11-7, upon practically similar lines to the system pursued by Puter, et al., but lacked the nerve to carry the scheme into execution, and abandoned the attempt. It was presumed that Binger Hermann, while Commissioner of the General Land Office, had a "stand-in" on the proposition, by reason of political affiliations.

No. 2891—Indictment returned December 31, 1904, against Binger Hermann, charges him with conspiracy to secure title fraudulently to certain public lands.

This indictment had reference to the part Hermann is alleged to have played in the efforts of Puter to have the patents expedited for the twelve fraudulent homestead entries in township 11-7.

No. 2892—Indictment returned December 31, 1904, against George Sorenson, charging him with a violation of section 5451 of the Revised Statutes, in offering a bribe to John H. Hall, then United States Attorney.

Sorenson was tried upon this charge, but the jury failed to agree, standing ten for conviction and two for acquittal after a long session. Heney accused the two recalcitrant members of the body with having been tampered with in some way, and his vehement remarks to them upon the subject after the jury had been discharged, provoked considerable applause from the other ten.

No. 2895—Indictment returned January 21, 1905, charges George Sorenson with perjury, alleged to have been committed in connection with the first trial of the foregoing case.

No. 2897—Indictment returned January 31, 1905, against Earl Benson, William T. Nicholls, O. M. Lawrence, Hans Wadtli, Fred Wadtli, O. J. Mealey, William Mealey, John Thompson and Richard Watkinds, charging them with a violation of section 5399, Revised Statutes, in having threatened Andy Nicholls, a Government witness.

The defendants in this case were fellow "dummies" of Andy Nicholls, having been involved with him in the Townships 13 and 14 South, Ranges 3 and 4 East deal, wherein the Mealey brothers secured a large tract of choice timber land for C. A. Smith. The "faithful" blamed Andy for exposing them to the Government Secret Service, and threatened him accordingly. Heney promptly had them all indicted and placed under heavy bonds as a measure of precaution, and the photograph of Andy Nicholls, printed elsewhere, does not indicate that he was cast down to any great extent by reason of the threats.

No. 2912—Indictment returned February 10, 1905, against Henry Meldrum, George E. Wagoner, David W. Kinnaird, Benjamin F. Winton, Gustave Klaetsch, George Sorenson, Livy Stipp and Frank H. Dungan, charging them with a violation of section 5440, Revised Statutes, by means of fraudulent surveying contracts.

Meldrum was formerly United States Surveyor-General of Oregon; Kinnaird was a Government examiner of surveys; Waggoner was chief clerk of the Surveyor-General's office under Meldrum; Winton and Klaetsch were contractors for Government surveys, while Stipp and Dungan are alleged to have taken fraudulent acknowledgements in connection with the survey of certain townships, both being notaries public. Meldrum was convicted on twenty-one counts of an indictment returned by a previous Grand Jury, and is now doing time at the Government prison on McNeill's Island.

No. 2915—Indictment returned February 13, 1905, against John H. Hall, Henry Ford, Harry L. Rees, A. P. Caylor, John Cordano, J. H. Hitchings, John Northrup and Charles F. Lord, charging them with a violation of section 5399, Revised Statutes, in endeavoring to intimidate an officer in a United States court in the discharge of his duty.

Back of this indictment there is an interesting story. It is claimed that the defendants entered into a conspiracy to bring disrepute upon Heney by having him involved in a scandal with Marie Ware. Her friend Alice White was selected to carry on the negotiations with Miss Ware, but the two women lost no time in apprising Heney of the situation, and the indictment was the consequence. Hall was the Ex-United States Attorney whom Heney was instrumental in having dismissed from office; Ford is a private detective of Portland, Ore.; Rees was a crooked clerk in the paymaster's department of the United States army, who had been courtmartialed for some of his delinquencies; Caylor was a professional dead-beat; Cordano a deputy sheriff at the time; Hitchings, a police court lawyer; Northrup a hotel keeper, and one of the two jurymen who had hung the jury at the Sorenson trial, and consequently was supposed to be burning for revenge on account of the tongue-lashing he had received at Heney's hands upon that occasion, while Lord was also a local attorney of more or less reputation. The case has never been brought to trial, and the proceedings against Lord have been dismissed.

No 2909—Indictment returned February 8, 1905, against George C. Brownell, charging him with a violation of section 5393, Revised Statutes, by instigating Fred Sievers and John A. Howland to perjure themselves before the Federal Grand Jury at the time of the investigation of facts bearing upon survey contract No. 732, for townships 34, 35, 37 and 38 south, and ranges 28, 29 and 30 east, W. M.

Brownell for many years was one of the political leaders of Oregon, and a lawyer of no mean ability. At the time of his indictment he represented Clackamas county in the State Senate, and at one time was president of the body, and mentioned prominently as the successor to John H. Hall as United States Attorney at the expiration of Hall's first term of office. It is alleged that Hall "killed him off" by professing to have knowledge of some crooked land transaction in which Brownell is alleged to have figured, hence Senators Mitchell and Fulton; both of whom were under many political obligations to Brownell, advised the latter to keep out of the race. Their letter upon the subject is printed elsewhere. The case was dismissed on Heney's recommendation soon after the Hall trial, the Government prosecutor being satisfied that Brownell was "innocent of the charges."

No. 2911—Indictments returned February 10, 1905, charging Winlock W. Steiwer, Hamilton H. Hendricks, Clarence B. Zachary, Adelbert C. Zachary, Charles A. Watson, Clyde E. Glass, Binger Hermann, John H. Hall, Edwin Mays, Franklin P. Mays, Clark E. Loomis and Edward D. Stratford with a violation of section 5440, Revised Statutes, being conspiracy to commit an offense against the United States by preventing and obstructing free passage over certain public lands in townships 5, 6 and 7 south and range 19 east, and townships 5, 6 and 7 south, range 20 east, through the maintenance of an illegal enclosure formed out of a line of illegal homestead entries.

This is what is commonly known as the "Butte Creek Land, Livestock & Lumber Company" case, and involves several important personages. Steiwer is a man of considerable wealth and prominence in the community where he resides, and was a State Senator at the date of his indictment. He is heavily interested in mercantile pursuits, being the principal owner of a large general merchandise store at Fossil, Ore., as well as president of the Butte Creek Land, Livestock & Lumber Co., the offending corporation, of which Hendricks is secretary and general manager, C. B. Zachary superintendent, and Glass bookkeeper. The Mays brothers, as well as Hall, were supposed to have had guilty knowledge of the fraudulent operations of the company while they were holding official positions in the United States Attorney's office, and are accused of overlooking the alleged transgressions for obvious reasons. Loomis and Stratford were also special agents of the General Land Office, who are supposed to have shut their eyes to what was going on, both having made investigations and reported favorably to the Department at Washington. Hermann was charged with knowledge of the offense, while A. C. Zachary and Watson were supposed "dummies." The issues involved have resulted already in the conviction of H. H. Hendricks, Coe D. Barnard, Charles A. Watson and Clarence B. Zachary, and was the case in which John H. Hall was convicted, February 8, 1908.

No. 2919—Indictment returned February 13, 1905, against Binger Hermann, John N. Williamson, Franklin P. Mays, Willard N. Jones and George Sorenson, charging them with a violation of section 5440, Revised Statutes, by entering into a conspiracy to defraud the United States out of the possession and use of, and title to, 200,000 acres lying in different states and territories, by means of a fraudulent plan contemplating the obtaining of title, in the first instance to 150,000 acres of State school lands in Crook, Grant, Harney, Malheur, Baker, Union, Umatilla and Wallowa Counties, through the use of illegal affidavits and applications and the subsequent inclusion of such school lands in the Blue Mountain Forest Reserve, thus creating the possibility of their use as base in exchange for valuable timber lands under the lieu land act of June 4, 1897.

This is the famous "Blue Mountain Forest Reserve" case, and was the one in which Mays, Jones and Sorenson were convicted on September 13, 1906, after a trial lasting 25 full days, with evening sessions. By stipulation, it had been arranged that Hermann should first be tried in Washington, D. C., for the alleged destruction of 33 letterpress copybooks belonging to the General Land Office, of which charge he was acquitted in April, 1907. It is significant, however, that Heney did not prosecute him upon this occasion, United States Attorney D. W. Baker, of the District of Columbia, appearing for the Government, and although the evidence was decidedly strong against the accused ex-Commissioner of the General Land Office, a jury turned him loose.

No 2938—Indictment returned April 8, 1905, charging Charles A. Watson with a violation of section 5392, Revised Statutes, consisting of perjury committed in swearing to testimony given in his final homestead proof before United States Commissioner James S. Stewart.

The defendant in this case was convicted on August 8, 1906, but by reason of his becoming a witness for the Government in the Zachary case following, and confessing that he had been induced to commit perjury in making a homestead location for the benefit of the Butte Creek Land, Livestock & Lumber Co., Judge Hunt suspended sentence, and he was permitted to go on his own recognizance. Watson was a herder in the employ of the corporation, and confessed on the stand that he had been used as a "dummy" by some of its officials in taking up a homestead claim within their immense illegal inclosure of Government land in Wheeler county, Oregon.

No. 2940—Indictment returned April 8, 1905, against Frank E. Alley, A. R. Downs, Edward R. Downs, Rev. Stephen W. Turnell and John Doe, charging them with a violation of section 5440, Revised Statutes, by participation in a conspiracy to defraud the United States out of public lands situated in township 28 south, range 3 west, Willamette meridian, by means of false affidavits and proofs of homestead entry and settlement and through false affidavits and proofs of timber entries.

All the defendants in this case were residents of Roseburg, Oregon, at the time they were indicted, although it is understood that the Downs brothers are now located somewhere in Mexico. They were timber cruisers of the Southern Oregon town, while Alley is a well-known searcher of records and land attorney there, and Turnell is a minister of the gospel.

No. 2941—Indictment returned April 8, 1905, charging Coe D. Barnard with a violation of section 5392, Revised Statutes, being perjury committed in swearing to testimony given in his final homestead proof before United States Commissioner James S. Stewart, as witness for Charles A. Watson.

Barnard was a prosperous stockraiser of Wheeler county, Oregon, and it was claimed that he was a frequent witness to the final proofs of bogus homestead claims made in the interest of the Butte Creek Land, Livestock & Lumber Co. He was found guilty by a jury on August 11, 1906, and sentenced a week later to two years' imprisonment on McNeill's Island, and to pay a fine of $2,000.

No. 2899—Indictment returned January 31, 1905, against Henry W. Miller, Frank E. Kincart, Martin G. Hoge and Charles Nickell, charging them with conspiracy under section 5440, Revised Statutes, in connection with the filing of applications under the timber and stone law for tracts of land in township 40 south, range 2 west, Willamette meridian.

Nickell, the most prominent of the quartette involved in this indictment, was the publisher of two newspapers in Southern Oregon, one at Medford and the other at Jacksonville. He also held the office of United States Commissioner, and it was through his connection with this official position that he became involved in the alleged conspiracy. Hoge was city attorney of Medford, and was accused of using his influence as a "booster" for the fraudulent scheme of Miller and Kincart, both of whom were timber cruisers of unsavory reputation. The two latter pleaded guilty at the trial, and made complete confessions, implicating Nickell and Hoge, which resulted in their conviction July 27, 1906. Nickell was given 13 months on McNeill's Island, while Hoge was sentenced to four months in the Multnomah County jail and to pay a fine of $500. After serving his sentence, Hoge took the "pauper oath" and was liberated. Nickell's case is on appeal.

No. 2900—Indictment returned January 31, 1905, against William H. Davis, Mayor of Albany, Or., charging him with a violation of section 5392, Revised Statutes, in connection with testimony given by him at the time of making final proof on his homestead entry in township 11-7.

No 2907—Indictment returned February 8, 1905, against Henry Meldrum, George E. Waggoner, David W. Kinnaird, Rufus S. Moore, John W. Hamaker and Frank J. Van Winkle, charging them with a violation of section 5440, Revised Statutes, being conspiracy to defraud the United States by means of false and fraudulent surveying contracts covering tracts of land in Ts. 27 S., Rs. 26, 27, 28, 29½, 29¾ and 30 E., and adjacent lands.

No. 2908—Indictment returned February 8, 1905, charging Hamilton H. Hendricks with a violation of section 5393, Revised Statutes, with suborning George W. Hawk to commit perjury in giving testimony before the Federal Grand Jury in connection with Hawk's homestead entry; also accusing Hendricks of a similar offense in the case of Homestead Entryman Clyde Brown.

No. 2942—Indictment returned April 8, 1905, against James Henry Booth, Receiver of the Roseburg Land Office, charging him with a violation of section 1782, Revised Statutes, in receiving $800 as compensation for furnishing advance information illegally relative to the cancellation of certain land entries in the Roseburg Land District.

No. 2943—Indictment returned April 8, 1905, against Robert A Booth, James Henry Booth, T. E. Singleton, John Doe, Richard Roe, William Roe and Thomas Roe, charging them with a violation of section 5440, Revised Statutes, conspiracy to defraud the United States out of the title to a tract of public land through the use of false affidavits and proofs of homestead entry and settlement procured to be made by I Thomas Agee, of Mapleton, Or.

Robert A. Booth is vice-president of the Booth-Kelly Lumber Company, and at the time of his indictment, represented Lane County in the State Senate.

No. 2944—Indictment returned April 8, 1905, against James Benson, of Cottage Grove, Or., charging him with a violation of section 5392, Revised Statutes, consisting of perjury committed in giving testimony before the Federal Grand Jury with relation to a timber and stone entry made by him for a tract of land in the Roseburg Land District.

No. 2945—Indictment returned April 8, 1905, against Clarence B. Zachary, charging him with a violation of section 5392, Revised Statutes, being perjury committed in giving testimony before United States Commissioner James S. Stewart as witness at the final homestead proof of Charles A. Watson.

No. 2984—Indictment returned September 2, 1905, under section 5440, Revised Statutes, charges Claude Thayer, Clark E. Hadley, Maurice Leach, Walter J. Smith, Thomas Coates, John Tuttle, Charles E. Hayes, G. O. Nolan, John Doe and Richard Roe with conspiracy to defraud the United States out of several thousand acres of timbered lands in Tillamook County, Oregon.

This case is described fully in Chapter 23.

No. 2988—Indictment returned September 2, 1905, against Herman K. Finch, Thaddeus S. Potter, Bert Blauvelt, John Doe and Richard Roe, charging them with a violation of section 5440, Revised Statutes, being conspiracy to defraud the United States out of two quarter sections of land entered by Finch and Potter, respectively, under the Siletz homestead act.

No. 2991—Indictment returned September 8, 1905, against C. Sam Smith and Dr. Van Gesner, charging them with a violation of section 5440, Revised Statutes, consisting of conspiracy, having for its object the intimidation of certain Government witnesses called to testify at the trial of the case of the United States vs. J. N. Williamson and others.

Smith was sheriff of Crook county, Oregon, during the Williamson trial, and was accused with Dr. Van Gesner with having attempted to intimidate witnesses who had given testimony against the defendants in that case.

No. 3006—Indictment returned September 15, 1905, under section 5440 of the Revised Statutes charges Charles A Graves, Erwin N. Wakefield, Ora L. Parker and Robert B. Foster with conspiracy to defraud the United States out of certain tracts of land in Crook County, Oregon, by means of false and fraudulent sworn statements under the timber and stone act, and by false testimony at final proof in connection with the same land.

No. 4649—Indictment returned April 9, 1906, against Richard Jones, William H. Smith, Jacob C. Cross, David E. Goodwin, Will D. Gould, Frank A. Stewart, William T. Kerr, John R. Miller, Fred W. Dennis, Richard Hynes, H. M. Riley, Lee K. Myers, George L. Stearns, Jeremiah Huntley, Amos S. Johnston, Warren Gillelen, R. W. Kenny, A. H. Hedderly, John Doe, Richard Roe, Robert Roe, Thomas Roe, Annie Roe, charging them with a violation of section 5440, Revised Statutes, known as the "Los Angeles case."

Richard D. Jones and William H. Smith, of San Francisco, formerly of Portland; Jeremiah Huntley, formerly United States Commissioner for Curry county; Amos S. Johnston, formerly Deputy County Clerk of Curry county; Frank A. Stewart, merchant of Ophir; William T. Kerr, of Coquille; John R. Miller, of Port Orford; Warren Gillelen, president of the Broadway Bank & Trust Company, of Los Angeles; R. W. Kenny, cashier of the same institution; George L. Stearns, ex-president of the Pacific Furniture & Lumber Company, of Los Angeles; Jacob C. Cross, director of the same company; David M. Goodwin and A. H. Hedderly, physicians of Los Angeles; Richard Hynes, M. M. Riley and Lee R. Myers, Los Angeles stock brokers; Will D. Gould, a Los Angeles attorney, and Fred W. Dennis, a San Francisco broker and real estate dealer.

All of the men named in the indictment are accused, under section 5440 of the revised statutes, of conspiring together to defraud the Government of immense acreage in Southern Oregon. The conspiracy is alleged to have commenced some time during 1901 and to have been effective up to August 26, 1904. The general plan of the scheme, as it is outlined in the indictment, is very similar to those of the other two large land fraud indictments that were returned by the grand jury.

Although the accused men are said to have gained possession of only about 6000 acres, it is alleged that the original conspiracy had a much broader scope and that they hoped to rob the Government of about 30,000 acres of rich timber land. The land which they now have in their possession and which they are charged with obtaining through fraudulent methods lies in a contiguous tract and is located entirely within the confines of Curry county. It extends along the banks of Lobster and Euchre Creeks, and is covered with timber of immense value.

The general scheme of the conspirators as outlined was to contract with individuals to file upon the land under the timber and stone Act, with the understanding that it was to be turned over to the ring of operators as soon as title was secured. Under this plan the filing was done in a fraudulent manner, inasmuch as the entrymen swore that the claims were for them personally, whereas it is alleged that it was agreed at the time that the transfers were to be made to the men who had inspired them to go on the land. For this purpose men were obtained wherever possible and sent to Curry county. It is said that the Pacific Furniture & Lumber Company, which was the active agency of the land sharks, procured entrymen from Nebraska, Kansas and California, as well as the various cities in Oregon. The company operated sawmills at Humboldt, Port Orford, Frankfort and Eureka. These mills, it is said, were used as a blind in bringing entrymen to Oregon. They were induced to come West on the understanding that they were to have jobs in the mills. When they arrived, however, they were informed that there was no work for them. Then, when they were penniless and far from home, it was found to be a propitious time to approach them with suggestions that they could make easy money by illegally filing upon some of the choice timber land in the vicinity.

Cross, Goodwin, Stewart, Miller, Kerr and Jones banded themselves together in Los Angeles as the Pacific Furniture & Lumber Company for the purpose of dealing in and acquiring Government land. Others became connected with the company, and during the duration of the conspiracy Hedderly and Smith were associated in the management of its affairs. Smith, Jones and Dennis cared for the affairs of the company in San Francisco, and are said to have laid the plans skillfully and to have had complete control of all the branches of the fraudulent plot. The Broadway Bank & Trust Company, which is one of the most important financial institutions of Los Angeles, is accused of being directly connected with the plot and to have advanced money to finance the fraudulent proceedings.

Huntley, who occupied the office of United States Commissioner from 1901 to 1904, was brought into the conspiracy by allowing himself to be induced to receive the fraudulent entries, which, it is averred, he knew at the time were illegal. The part of Johnston, the Deputy Clerk of Curry county, was to certify the fraudulent timber and stone applications. None of the minor offenders who filed upon the claims are included in the indictment, the policy of the Federal authorities evidently being to strike at the men who were the principals in the nefarious plot to rob the Government.

The indictment is a lengthy document, setting out in detail the many ramifications of the scheme as they have been unearthed by District Attorney Bristol and Special Inspector Neuhausen, with the assistance of the Government agents. Thirteen separate counts are included in the indictment, any one of which, if it is proved, is sufficient for conviction.

In gathering evidence against the land thieves, District Attorney Bristol and Special Inspector Neuhausen were greatly assisted by the late M. A. Meyendorff, Special Agent of the General Land Office, who did much work on the California end of the affair. Horace T. Jones and J. D. Watts, also special agents of the Government, assisted by carrying on investigations in Curry county, Oregon.

No. 4445—Indictment returned April 3, 1906, against Joseph Black, John C. Black, August Anderson, Sumner A. Parker, Leander Choate, James Doughty, Benjamin Doughty, Thomas Daly, James Bray, James H. Driscoll, John Doe, Richard Roe, Thomas Roe and Andrew Roe, charging them with a violation of section 5440, Revised Statutes. This is known as the "Wisconsin case."

The late Michael A. Meyendorff, Special Agent General Land Office, whose death was hastened by the constant "nagging" of the heads of Departments

The Wisconsin men involved are said to be the chief participants in the fraudulent operations for which the indictment which included their names was issued. Oregon men were also implicated in the alleged fraudulent proceedings, but only, it is alleged, as the tools of the Easterners, who are men of wealth and furnished the funds for the operations and also laid the plans by which, it is charged, they illegally obtained great tracts of Government acreage.

The Oshkosh men indicted, Leander Choate, James Matt Bray, Benjamin Doughty, James Doughty and Thomas Daly, operated in Southern Oregon as the Oshkosh Land & Timber Company. August Anderson and Joseph Black, of Shawano, are also said to be connected with this corporation. Choate is said to be very wealthy, and the others are all men of wealth and prominence in their home state.

Bray is the president of the Bray & Choate Lumber Company, and Choate is the treasurer of that company. The Doughtys are retired lumbermen. Daly is the cashier of the Commercial National Bank, and all the men are large stockholders in that institution.

The charge upon which they were indicted is that of obtaining a large tract of timber land east of Klamath by inducing men to file upon it and then turn it over to them for a small consideration. Most of their work is said to have been carried on through representatives in Oregon, but the principals themselves are said to have been on the ground at various times. Choate, who is reported to have been a leader in the proceedings, is said to have visited the state and to have taken a direct hand in bringing about some of the fraudulent entries.

It is alleged that the original scheme of the coterie of capitalists was to acquire several immense tracts of valuable land, aggregating nearly 40 sections. The plan did not work out in its entirety, but even the partially completed operations are said to have brought them into control of about 160,000 acres of land. Some of the land is located on Jenny Creek, some on Lone Pine Mountain and a portion east of Klamath. All of the land is in Klamath and Lake counties, Oregon. The Eastern men are said to have come into possession of the land by inducing Oregon people to file upon it and turn it over to them as soon as they obtained it. In many cases it is alleged the transfers were made the day the final proofs were received. All of the land was taken as homestead claims. Most of those who made filings were residents in the vicinity of Ashland and Medford, and these persons were used as witnesses before the grand jury.

Sumner J. Parker, of Ashland, is understood to have been the solicitor for the Wisconsin men. Through his agency it is alleged men and women were induced to take up the land with the understanding that it was to be turned over to the Oshkosh Land & Timber Company as soon as the final papers were received. The papers were filed with James H. Driscoll at Klamath Falls. Driscoll is accused of accepting fraudulent proofs of land and being a party to the general scheme to defraud the Government. With all of the wires carefully laid for their operations, it is said that the scheme was carried on smoothly and thousands of acres of Government lands seized before the proceedings against them were commenced.

No. 4857—Indictment returned May 5, 1906, against F. W. Gilchrist, Ralph E. Gilchrist, Patrick Culligan, James G. MacPherson, Herman W. Stone, Edmund Dorgan, Francis J. Devine, John Joseph Collins, Charles M. Elkins, John Combs, Benjamin F. Allen, Malcolm McAlpin, Amond C. Palmer, H. Judd Palmer, Donald F. Steffa, M. E. Brink, C. A. M. Schlierholz, J. W. Hopkins, W. W. Brown, Ed. N. White, Thomas H. Watkins, John Doe, Richard Roe, Thomas Roe, Andrew Roe, William Roe and James Roe, charging them with a violation of section 5440, Revised Statutes, known as the "Michigan case."

The Oregon men involved follow: Charles M. Elkins and Jack Combs, of Prineville, and Benjamin F. Allen, of Portland, members of the firm of Elkins & Co.; Judge M. E. Brink, of Prineville; Donald F. Steffa, of Prineville, editor of the Crook County Journal; Almond C. Palmer and H. Judd Palmer, attorneys of Portland; E. Dorgan, Francis J. Devine and John J. Collins, members of the firm of E. Dorgan & Co., of Albany; Malcom McAlpin, merchant, of Albany; J. W. Hopkins, attorney, of Vancouver, Washington; W. W. Brown, attorney, of Seattle; Thomas H. Watkins, member of the former firm of Erickson & Watkins, Prineville, and Edgar N. White, saloonkeeper, of Portland.

The Eastern men whose names appear in the indictment are: F. W. Gilchrist, Ralph Gilchrist, Patrick Culligan and James G. Macpherson, of Alpena, Michigan; Herman W. Stone, of Benson, Minnesota, and C. A. M. Schlierholz, of Little Rock, Arkansas. The latter is an ex-special agent of the General Land Office.

The charge upon which these men have been indicted is conspiring together to defraud the Government of great tracts of rich timber land in Lake, Crook and Klamath counties. According to the indictment the conspiracy is one of many ramifications, but in its essential features is a counterpart of that upon which the eight rich Wisconsin men were arrested a short time previously.

The leaders in the alleged plot were the Gilchrists, Culligan, Macpherson and Stone, who endeavored, and to a large extent succeeded, to come into the possession of thousands of acres of the public domain by procuring dupes in Oregon who were willing to take up claims by making false entries with the understanding that they were turned over to their employers for a stipulated consideration as soon as title should be secured.

With this plan for a working basis, it is charged, the Eastern men operated through representatives in Oregon with whom they were closely associated. Besides the Alpena men and Stone, those who are said to have figured as principals in the illegal transactions are the members of Elkins & Co., of Prineville, and of E. Dorgan & Co., of Albany. The other men whose names are mentioned, although in many cases men of considerable capital and prominence, served in the alleged scheme in subsidiary capacities, such as procuring men and women who were to file on the claims and expediting in one way and another the fraudulent entries. Over 400 claims, taken under the timber and stone Act of Congress, are involved in the alleged plan to steal the wealth-producing forests of Uncle Sam. Of this amount 150 are mentioned specifically in the indictment returned by the grand jury through the efforts of District Attorney Bristol and Special Inspector Thomas B. Neuhausen. The total tract in the alleged theft covers the immense area of approximately 201,600 acres. The land lies entirely within Lake, Klamath and Crook counties, and borders on the headwaters of the Deschutes River. The description of the claims cited in the indictment covers six large typewritten pages. The territory which the big land sharks are accused of trying to gobble up in disregard of the Federal statutes, is one of the richest timber sections of Oregon. Nearly the entire area is covered with the most excellent yellow pine timber. Placing the low estimate of 2,000,000 feet to the quarter section, the land would be worth at least $2000 a claim, or $800,000 for the land involved. The value is probably close to $1,000,000.

F. W. Gilchrist and Ralph Gilchrist are said to be in the millionaire class. Patrick Culligan is worth about $600,000, and James G. Macpherson is also a man of means. Elkins & Co., charged with being closely allied with them in the conspiracy, are men well known throughout the entire state. The firm's business is money lending and general financial business. The company is said to have put up large amounts of money and to have otherwise assisted in the plot.

Almond C. Palmer, who is among the men said to have been brought within the toils, was formerly United States Commissioner at Prineville. He is accused of using his position to assist in the acceptance of fraudulent proofs and illegal filing of claims. He had trouble with the Federal authorities upon a previous occasion, but was acquitted. Judge M. E. Brink, of Prineville, Oregon, is accused of using his power of attorney in the same illegitimate way, as is also J. W. Hopkins, of Vancouver, Washington, and W. W. Brown, of Seattle.

Dorgan & Co., of Albany, who are included in the list of principals to the dealings, is a firm of timber cruisers and locators. John J. Collins, who was subpoenaed as a witness in connection with the case, refused to produce the books of the firm in accordance with the order of the court, and as a consequence was confined in the Multnomah County jail for a period of four months upon order of Judge Wolverton. It is believed by the government representatives that Collins received good pay for his action from the other men who were indicted, as it is supposed that the records of the firm contain incriminating evidence in connection with the present charges.

All of the Eastern men involved have paid repeated visits to Oregon during the past few years, and it is believed that upon each occasion they acquired title to a number of the fraudulent claims. Sometimes, it is said, one would come, sometimes more, but each visit is alleged to have been in connection with the proceedings for which they now stand indicted. It is said that persons were secured in large numbers to assist in the operations by filing upon the claims. It is alleged that they were taken to the land as many as 20 at a time, and that immediately upon receiving title from the Government, they transferred it to the men who were engineering the deal, in each case taking payment far below the true value of the land. These persons, for the most part, came from Albany, Shaniko, Morrow, Prineville and Mitchell. They figured as witnesses in the grand jury proceedings, between 100 and 200 of whom being called before that body.

So deep laid was the alleged plot that the promoters succeeded in misrepresenting the true facts in the case to such an extent to the Oregon Representatives in Congress that they succeeded in getting them to urge the department at Washington to expedite the fraudulent claims. By presenting false proofs, entries, oaths and affidavits in respect to the timber and stone entries to Senator Fulton and Congressman J. Newton Williamson, the indictment alleges that these men were led to urge that the claims be expedited. These claims were represented as being in every way genuine, whereas it is now charged they were illegal and untrue in every particular, and were being procured solely in the interest of the eleven men at the head of the operations.

The following letter is included as a portion of the indictment:

Washington, D. C., March 11, 1904.

Hon. William A. Richards, Commissioner of the General Land Office,
Washington, D. C.

Sir—I enclose you herewith a number of affidavits of entrymen under the timber and stone act. These gentlemen are all residents of Albany, Or., I think. Most of them I am personally acquainted with and I am confident they would not engage in any corrupt practices in order to secure timber claims. Mr. Cusick, the first party mentioned, is a banker of Albany, Or., and the others are prominent business men, as a rule.

I have heretofore written you about this situation. It seems to me that a great injustice is being done these men, for they entered the land, I have no doubt, in perfect good faith. They have paid their money and complied with the law in every respect. I trust, therefore, that your department will be able to dispose of these cases at an early date and direct the patents to issue. Very respectfully,

C. W. FULTON.

It is claimed that the foregoing letter referred to the proofs upon a number of the fraudulent claims. The Mr. Cusick referred to is a prominent Albany banker.

Congressman Williamson also addressed the following letter to the Land Department in behalf of the fraudulent entries:

Washington, D. C., April 2, 1904.

Hon. William Richards, Commissioner of the General Land Office,
Washington, D. C.

Sir—I today forward you under separate cover, as many as 50 affidavits concerning the timber and stone claims now held up by the department in Lake, Crook and Klamath Counties in Oregon. I also inclose herewith a letter from Hon. M. E. Brink, of Prineville, Or., bearing upon the same question.

I will again add my earnest desire that these claims shall proceed at once to patent. Very truly yours.

J. N. WILLIAMSON.

The following shows convictions in land fraud cases and present status of the cases:

Henry Meldrum indicted April 2, 1904, for forgery in connection with surveying contracts, on November 17, 1904, sentenced 1,080 days at McNeil's Island and fined $5,250 and costs; serving sentence.

S. A. D. Puter, indicted March 17, 1904, for conspiracy to defraud Government, on December 6, 1904, sentenced to two years in County Jail and fined $7,500; served portion of sentence and pardoned by President, December 31, 1907.

Horace G. McKinley, indicted March 17, 1904, for conspiracy to defraud Government, on December 6, 1904; returned from Manchuria, sentenced on February 28, 1908 to two years in the Multnomah County jail and fine of $7,500.

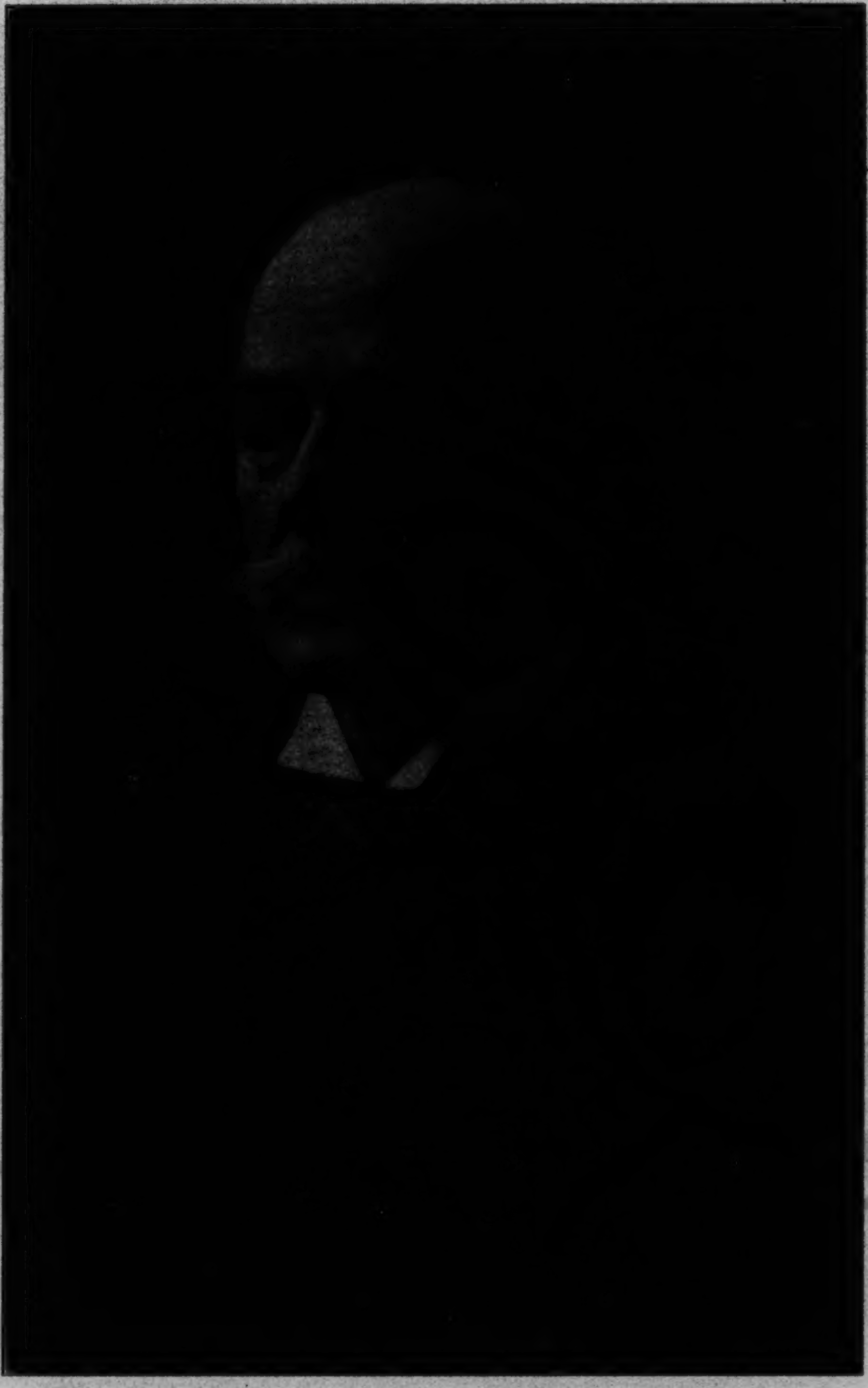
Dan W. Tarpley, indicted March 17, 1904, for conspiracy to defraud Government, on December 6, 1904; not sentenced.

Emma L. Watson, indicted March 17, 1904, for conspiracy to defraud Government, on December 6, 1904; not sentenced.

Frank H. Walgamot, indicted March 17, 1904, for conspiracy to defraud Government; pleaded guilty; not sentenced.

John H. Mitchell, indicted February 1, 1905, for receiving compensation for service before Department while United States Senator, on July 3, 1905, sentenced to six months in County Jail and fined $1,000; dead.

John N. Williamson, indicted February 11, 1905, for conspiracy to suborn perjury, on September 27, 1905, sentenced to 10 months in County Jail and fined $500; new trial granted.



"The Grand Old Man"—Ethan Allen Hitchcock, ex-Secretary of the Interior, who earned the ill-will of the grafters by his firm stand on public land questions

Dr. Van Gesner, indicted February 11, 1905, for conspiracy to suborn perjury, on September 27, 1905, sentenced to five months in County Jail and fined $1,000; served sentence and paid fine.

Marion R. Biggs, indicted February 11, 1905, for conspiracy to suborn perjury, on September 27, 1905, sentenced to 10 months in County Jail and fined $500; served sentence.

Willard N. Jones, indicted September 2, 1905, for conspiracy to defraud Government, on October 14, 1905, sentenced to one year at McNeil's Island and fined $2,000; on appeal.

Thaddeus S. Potter, indicted September 2, 1905, for conspiracy to defraud Government, on October 14, 1905, sentenced to six months in County Jail and fined $500; on appeal.

Henry W. Miller, indicted January 31, 1905, for conspiracy to suborn perjury, pleaded guilty, sentenced to one year at McNeil's Island; served sentence.

Frank E. Kincart, indicted January 31, 1905, for conspiracy to suborn perjury, pleaded guilty, sentenced to one year at McNeil's Island; served sentence.

Charles Nickell, indicted January 31, 1905, for conspiracy to suborn perjury, on July 27, 1906, sentenced to 13 months at McNeil's Island; on appeal.

Martin G. Hoge, indicted for conspiracy to suborn perjury, on July 27, 1906, sentenced to four months in County Jail and fined $500; served sentence.

Hamilton H. Hendricks, indicted February 8, 1905, for subornation of perjury, on August 4, 1906; to be sentenced.

Charles A. Watson, indicted on April 8, 1905, for perjury, on August 8, 1906; sentence suspended.

Coe D. Barnard, indicted April 8, 1905, for perjury, on August 11, 1906, sentenced to two years at McNeil's Island and fined $2,000; on appeal.

C. B. Zachary, indicted April 8, 1905, for perjury, on August 17, 1906; not sentenced.

Franklin Pierce Mays, indicted February 13, 1905, for conspiracy, on September 13, 1906, sentenced to four months in County Jail and fined $10,000; on appeal.

Willard N. Jones, indicted February 13, 1905, for conspiracy, on September 13, 1906, sentenced to eight months in County Jail and fined $2,000; on appeal.

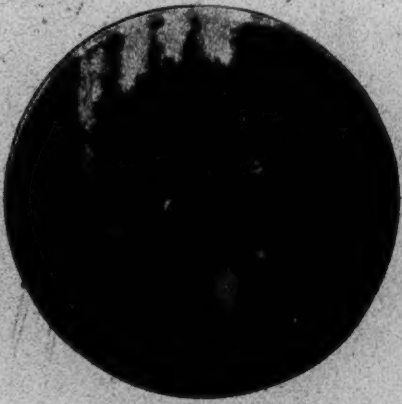
George Sorenson, indicted on February 13, 1905, for conspiracy, on September 13, 1906, not sentenced.

Winlock W. Steiwer, indicted February 10, 1905, for conspiracy, pleaded guilty January 22, 1908; not sentenced.

Hamilton H. Hendricks, indicted February 10, 1905, pleaded guilty January 22, 1908; not sentenced

Clarence B. Zachary, indicted February 10, 1905, pleaded guilty January 22, 1908; not sentenced.

John H. Hall, indicted February 10, 1905, for conspiracy, on February 8, 1908, not sentenced.



Embryo matches on property of the
Diamond Match Company
Butte County
California

Chapter XXIX

A few arguments in support of President Roosevelt's forestry policy—How the creation of reserves has been the salvation of the timber industry in this country—Views of those well-informed indicate that it was a wise plan to place the control of the forests in the general Government, and that the only protest comes from selfish interests—How the Denver Public Lands Convention had the tables turned in the effort to discredit the President's policies.

> **This is the forest primeval. The murmuring pines and the hemlocks,**
> **Bearded with moss, and in garments green, indistinct in the twilight,**
> **Stand like Druids of old, with voices sad and prophetic.**
> **—From Longfellow's "Evangeline."**

THE chief opposition to the Government's forestry policy comes from a source inspired by selfish motives. In the efforts that are being made to have the reserves, or the best portions of them, restored to public entry, there exists a powerful reminder of a greedy herd feasting its eyes upon a farmer's inclosed cornfield, whose waving plumes excites a beastly appetite that can only be satisfied by the sacrifice of the crop intended for human comfort.

That self-interest is the basis of nearly all this agitation against the creation of forest reservations, is evidenced by the fact that none of its advocates have yet advanced a single argument that appeals to common sense. They have indulged in glittering generalities, and purposely ignored every phase of reason and practically all elements of truth in their representations pertaining to the actual situation.

No person imbued with a grain of intelligence can voice any honest protest against the creation of the reserves in accordance with President Roosevelt's well-defined plans; no one possessed of a clear and unbiased knowledge of conditions prevailing in the mountainous regions of the West is in any position to raise sincere objections to a measure that is founded upon the lofty principle of preserving the forests for the benefit of future generations, and for the purpose of protecting the watersheds and conserving the rainfall, that the people of the present age may not suffer.

The greater portion of my life has been passed among the mountains and forests of the West, and for upward of 25 years I have been actively engaged in exploration of this vast domain. This has afforded ample opportunity for studying conditions existing in the forests, and I have no hesitancy in asserting that had not the President interfered when he did in October, 1902, and put a stop to the carnival of looting then in progress by making provisional suspension of the affected districts for forest reserve purposes, it would have resulted in the enforced consideration of problems the solution of which no prophet could have foretold, and would have become merely a question of time measured by a short span of years when the Sierra Nevada and Cascade ranges of mountains would have become shorn of their magnificent heritage, and the broad valleys of California and Oregon left to the mercy of the elements.

The winter of 1906-7 gave timely notice that the wholesale devastation that has been in progress for more than a quarer of a century must reap its own harvest of perpetual injury to mankind. The principal watercourses of the interior of the two states named, overflowed their banks as they had never done before, notwithstanding the scientific methods of restraint that had been adopted from time to time to meet just such emergencies. Vast inland seas wrought their consequent mark upon the prosperity of rich communities, and that was only the warning note.

History is constantly repeating itself, and the history of the tremendous floods that have occurred again and again throughout the lower Mississippi Valley, is the indellible record of the crime of those responsible for denuding the headwaters of the great stream of its standing timber; and the history of this shameful condition shall be the history of similar conditions that the next generation will have to face in all the principal valleys of the West, if those who are advocating the abolition of Governmental control over the public forests are permitted to have full sway.

Already the rainfall in the arid regions east of the ranges in question has been visibly affected by the loss of trees; already the writing is on the wall for all who run to read if the hands of commercial greed are not stayed.

In a speech delivered at Portland, Oregon, during the Lewis and Clark Exposition of 1905, James J. Hill, the great railway magnate—and incidentally heavily interested in Western timber lands—declared that one acre of timber land possessed more intrinsic value to a railway corporation than forty acres of agricultural land.

Why?

Because, 25 years hence, James J. Hill will have been gathered to his fathers, and he had no thought beyond the grave.

It is preposterous to believe that he was giving expression to an honest opinion, for the reason that the 40 acres of agricultural land will be producing constant revenues for his transportation lines ages after Mr. Hill is dead and forgotten—long after 40,000 acres of timber land has ceased to yield any profit for his roads if the policy shall henceforth be to throw down the bars for the cattle to get in and devour the crop.

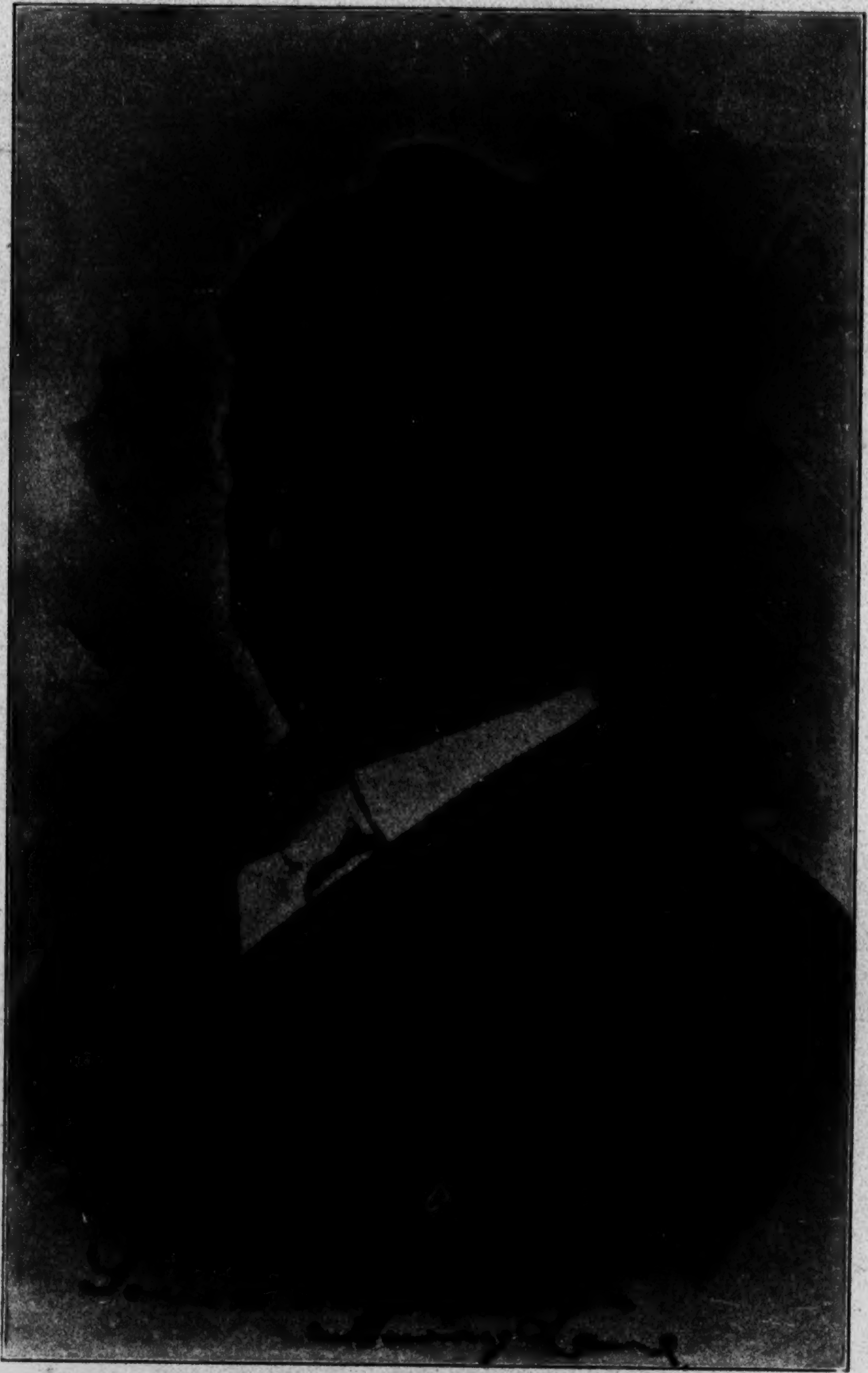
Seemingly, this antagonistic feeling against reserves is inspired by the old hoggish instinct that has stood as a barrier against the proper development of the West since the earliest period of its attempted settlement. It is the ghost of the desire which characterized the action of the hydraulic miners in the early days of California to ruin the navigable streams of that state at the expense of the general public, that their greed for gold might be satiated; the same old phantom of selfishness that has haunted the action of sheep and cattlemen on the Great Plains to acquire control of all that portion of the universe that their herds might multiply upon tne ruins of individual rights; a relic of the warfare that has raged for centuries throughout the civilized globe in the struggle to make public interest subservient to private gain.

Dr. Harry Lane, the Mayor of Portland, Oregon, is an enthusiastic advocate of the idea that the forests should be under Governmental control, and advances many potent reasons for his views upon the subject.

He was born in Oregon, and for more than half a century has made a close analytical study of the forestry question. On account of his knowledge in this respect, his opinions carry much weight, and he is regarded generally throughout the Northwest as an authority in the premises. Trade journals devoted to timber interests have eagerly sought contributions from his pen bearing upon the various problems incident to the situation, and his remarks in relation thereto before civic bodies has been productive of a wide range of intelligent thought. In discussing the matter recently with the writer, he said:

"I am decidedly in favor of the plan for the Government to have absolute control over the forests of this country. It is not a new idea, by any means, as the wisdom of such a measure has been long recognized in Germany, Sweden and Norway, where the people of the present age are sawing up lumber from trees that were planted by their ancestors a hundred years previously.

"I do not pretend to be familiar with conditions existing anywhere beyond the borders of the Pacific Northwest, but here I have lived practically all my life,



Dr. Harry Lane, the reform Mayor of Portland, Oregon, who is a strong advocate of the Government's forestry policy, and probably the best posted person in the Northwest on the subject and it has been one of the keenest pleasures of my existence to analyze the various features entering into the forestry question. It is certainly an interesting study, and probably appeals to the lover of nature with a greater degree of harmony than any other topic of discussion.

"That the forests should not be permitted to fall into the hands of private individuals, is a doctrine that even the aborigines were prompt to recognize, and in their tribal relations it was one of their fundamental principles, down to within a few decades ago, to exercise virtually the same kind of supervision over the forests, in their crude way, that the Government is now seeking to establish in a more enlightened form.

"I have personal knowledge that the Indians of California, Oregon, Washington and the British Possessions were accustomed to extend the most careful guardianship over the forests, and until the white man came with his ideas of commercial greed, and destroyed the savage instincts of protection, there had never been a great forest fire of any serious consequence in all this vast wilderness, by any act of human hands, and there is no doubt that conflagrations of this character wreak more damage to standing timber than all the other causes combined. "In the Fallfi it had been the custom of the redmen since their earliest authentic history, to burn out the dry grass and light undergrowth in order to provide fresh range for the following season, and as a measure of expediency in clearing unnecessary obstructions to a full view of wild game, or perhaps also as a stroke of precaution against ambush by enemies. In consequence, the underbrush never attained any important headway, and whatever fires occurred under these circumstances went through the forests like a flash, without damaging the larger trees to any appreciable extent.

"Frequently, in passing through heavy bodies of timber even now, the casual observer is struck by the appearance of some giant of the forest with charred trunk, and attributes the fact to the pranks of lightning, but in reality it is merely an isolated instance where the pitch and abnormal quantity of bark has contributed an extra attraction to the flames, although the main body of the tree might have suffered an insignificant amount of damage by the operation, so swiftly had been the course of the flames.

"The practice of setting out these fires at that period of the year, and causing the atmosphere to assume a murky hue under the stimulus of heavy volumes of smoke from all directions, has clothed the season with the poetic designation of 'Indian Summer,' and this name has adhered to it through all time, although, as a matter of fact, civilization is responsible for the density of the undergrowth in our time, and civilization must answer for the sin of forestry destruction by the great fires of the present age.

"It is usually quite difficult to trace the real blame for starting them. Huge rocks have been known by forest rangers to become dislodged from mountain sides, and plunging down deep ravines as they pursue their maddening course, bounding from crag to crag, have thrown flinty sparks that ignited the accumulation of decaying leaves and decomposed vegetation; or perhaps the neglected embers from the campfire of some careless hunter has furnished its share of devastation, but the result is the same, and we must delve deeper than the surface for the real cause, and when we do, it will be found to exist in the general tendency to permit the undergrowth to attain too much headway.

"It has come to my own knowledge, through Sam Heiple, a well-known frontiersman of this state, that a destructive forest fire originated by a globule of pitch from a fir tree concentrating the sun's rays in a manner productive of the effects of a burning glass, and the intense heat thus generated, communicating with the dry leaves and miscellaneous dead foliage, caused a conflagration that wrought immense damage before expending its fury.

"All this demonstrates the extreme necessity of taking the control of the forests away from private ownership, and placing it in the hands of some central power where aboriginal ideas may prevail in a modernized form.

"There is no doubt, in my mind, as to the probability that this region has retimbered itself within the past thousand years or so. Every evidence points in the direction of the fact that oak predominated here centuries ago. Fir timber is an interloper, and descended from the remote mountain peaks step by step, until it had supplanted the sturdy oak, which in the cycle of ages had probably gained the ascendency over some other variety of tree growth. It is an actual fact that this transformation has been occurring in my own lifetime, because I can remember, as a boy, when oak timber disputed with the invading fir the supremacy of the Willamette valley.

"I think the soil eventually becomes exhausted for a continuous kind of timber, just as it does with one sort of farm product. It is nature's way of encouraging a rotation of crops, and is not necessarily a question of the survival of the fittest, any more than barley is superior to other cereal products."

"Mr. Puter, the author of this book, is probably as well-versed in forestry matters, from a practical standpoint, as any man in the West. He was born and reared amidst the redwoods of California, and has been engaged in handling timber lands nearly all his life, his judgment as to value of standing timber being recognized by buyers all over the country, as his recitals show. I have discussed frequently with him the subject of the Government's forestry policy as outlined by President Roosevelt, and he is firm of the opinion that the ideas embodied therein are strictly conformable to the demands of logic.

"It may be bad for the land sharks," declared Mr. Puter in the course of one of our conversations, "but nobody can safely deny that it is highly beneficial to the general public, on account of the adequate protection it affords to standing timber, thus operating as a permanent safeguard to the watersheds and insuring a uniform rainfall.

"The headwaters of nearly every stream in California, Oregon and Washington—which may properly be classed as the district embracing the more important lumber-producing forests of the West—are invariably heavily timbered, and it strikes me that it is nature's way of holding the floods in check. The ground is shaded by the dense foliage, so that the snow is not only stored by the operation, but on account of not coming in direct contact with the sun's rays, is permitted to melt away gradually; whereas, if there was too much exposure of this character, it would have a tendency to cause an immediate dissolution of the snow, which would therefore rush down the streams in the form of torrents, and floods and irreparable damage to the lower country would be the inevitable consequence.

"In addition to these benefits, the Government can derive a profitable and perpetual income from its holdings by marketing the 'ripened' or merchantable lumber in the reserves at a reasonable price, and I cannot see why such a plan should not prove acceptable to any fair-minded person.

"Another strong point that must be taken into consideration lies in the fact that the establishment of reserves will prevent, to a large degree, the disastrous forest fires that have swept over the best portions of the timbered regions at frequent intervals, and threatened to wipe out everything in their pathway. The staff of rangers, wardens and other guardians maintained by the Government and states will form the nucleus for a well-organized fire department, and with well-defined trails, telephones, signal stations and other modern appliances, they will be in a position to put out promptly any incipient blaze; and it has been my experience that great fires that have raged for days, destroying immense quantities of valuable timber, could have been suppressed in their first stages with a wet blanket. As soon as they obtain headway, however, no power on earth can stay them, and they must, of necessity, run their course.

"I find, also, that reserves are beneficial to owners of adjacent property inasmuch as they afford them excellent protecton against fires, and I think, under the circumstances, that these outside owners should be taxed more in proporion on that account. Anyhow, they ought in some way to help bear the extra burden incident to the maintenance of the reserves because the latter certainly give their holdings an added value.

"The period covered by the months of July, August, September and October embraces the most dangerous season in regard to forest fires. I would suggest, therefore, that during this spell additional rangers should be employed. There is not much danger at any other time of the year, and very few men are needed. Through the danger period referred to, patrols should be posted all around the reserve, at distances of ten miles apart, while on the high peaks within the confines of the reserve, at a distance say of 20 miles apart, there should be signal stations, arranged so that the location of a fire could be determined instantaneously, as too much importance cannot be attached to the matter of quick action whenever a fire is discovered."

The system pursued by the Forestry Service in the management of the National Reservations contemplates the division of the forests of the country into districts, constituted as folows:

District No. 1—Montana, Northern Idaho, Northwestern Wyoming.

District No. 2—South Dakota, Southeastern Montana, Eastern Wyoming, Minnesota, Nebraska, Kansas, Colorado, Southeastern Utah.

District No. 3—Southern Arizona, New Mexico, Oklahoma.

District No. 4—Southern Idaho, Western Wyoming, Eastern Nevada, Utah, Northern Arizona.

District No. 5—California, Western Nevada.

District No. 6—Washington, Oregon, Alaska.

The act of June 4, 1897, provides that "any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry," notwithstanding the reservation. This makes mineral lands in the forest reserves subject to location and entry under the general mining laws in the usual manner.

The act also provides that, "The Secretary of the Interior may permit, under regulations to be prescribed by him, the use of timber and stone found upon such reservations, free of charge, by bona fide settlers, miners, residents, and prospectors for minerals, for firewood, fencing, buildings, mining, prospecting, and other domestic purposes, as may be needed by such persons for such purposes; such timber to be used within the State or Territory, respectively, where such reservations may be located."

In June, 1907, a Public Lands Convention was held in Denver, and was attended by delegates from every public land state in the Union, Colorado being especially well represented, as it was apparent that the representatives from that state were axious to control the convention, and force through a set of resolutions calculated to create the impression that the whole country was up in arms against the President's forestry policy. The schemers failed lamentably in this undertaking, however, those from outside states being sufficiently aggressive to keep down any expression of extremely hostile sentiment, and the publicity given the proceedings through the press indicated that the President had a sufficient number of adherents in attendance to thwart all attempts to cast discredit upon his policies.

This convention was the medium for a wide range of discussion relative to the respective merits of the various issues involved, and called forth opinions from every section, the consensus of which was to sustain the President's policies upon public land questions, and to condemn the action of the Colorado delegation in seeking to secure the adoption of expressions from the general body that reflected nothing more than local feelings of prejudice. On the last day of this convention, a letter was read by Secretary of the Interior James R. Garfield, from President Roosevelt, wherein was reflected the latter's views upon the questions coming before the body. The President's letter follows:

There has been placed in my hands a paper purporting to be issued by the programme committee of the Public Lands Convention to be held at Denver. The preliminary discussion of the general subject in this paper contains several statements to which I desire to call your especial attention, as they not merely misrepresent the attitude of the Administration, but portray that attitude as the direct reverse of what it really is.

The first and most important of these misstatements is to the effect that ther has been a change in the public land policy of the Government, which change will result in depriving the Western States of the right to settle the public lands with American citizens. This allegation directly reverses the actual facts. The course the Government is now pursuing is to carry out the traditional home-making policy of the United States as to its public lands. The men most interested in opposing the action of the Administration are those who are endeavoring to upset the traditional course of the Government, and are doing all in their power to turn the public lands over to be exploited by rich men and powerful corporations whose interests are hostile to those of the homemakers.

The policy of the present Administration has steadily been, and is now and will be, to promote and foster actual settling, actual home-making on the public lands in every possible way.

We have incurred the violent hostility of the individuals and corporations seeking by fraud and sometimes by violence, to acquire and monopolize great tracts of the public domain to the exclusion of settlers. The beneficiaries and instigators of, or particieipators in, the frauds, of course, ,disapprove the acts of the Administration. But if the Administration's policy is upset, the one man who would be irreparably injured would be the settler, the homemaker, the man of small means who has taken up a farm which he intends himself to work, and on the proceeds he intends to support and bring up his family.

Lastly, the coal lands that were withdrawn from settlement to enable Congress to consider a law to protect public interests against the coal monopolies, by leasing the rights to mine the coal. Unfortunately, Congress failed to act in the matter and most of the coal lands have been already restored to entry, while the remainder are being restored as rapidly as the necessary examinations in the field can be made.

As a matter of actual fact, most of the coal lands have hitherto been taken under some forms of entry other than those of the coal entry laws, and in many cases by actual fraud. The Administration will certainly renew its efforts to get Congress to pass a law which will do away with the fraud.

The writers of this programme state that the plan of Government control of the range submitted to Congress last winter involved the perpetual ownership of the lands by the Government. This statement is not in accord with the facts. This proposed law specifically provides that the range land under Government control should be open to entry or location under all of the public land laws and provided in every way for the protection of the rights of the settler. As a matter of fact, one of the prime reasons for advocating its passage is because if enacted it will safeguard the rights of the homemaker on the public range far more effectively than they are now safeguarded, and would make settlement easier and safer than it can possibly be under present conditions.
Administration, but portray that attitude as the direct reverse of what it really is.

As to the forest reserves, their creation has damaged just one class; the managers and owners of great lumber companies, which by illegal, fraudulent or unfair methods, have desired to get possession of the valuable timber of the public domain, to skin the land, and to abandon it when impoverished well nigh to the point of worthlessness.

It has been alleged that the Government intends to make the users of water for irrigation pay for their water. There has never been any such intention, and no such course will ever be followed while the present Administration is in existence. But owners of water power within National forests should certainly pay something for the valuable services rendered to them by the Government. They are not being charged and cannot be charged for the water, so far as the National Government is concerned, but for the protection to their watersheds which they themselves would have to bear the cost of supplying if the Government did not supply it for them.

The last day of the proceedings at the Denver convention was also marked by the speech of Chief Forester Gifford Pinchot, wherein the head of the Forestry Service of the Government set forth some salient facts in regard to the conduct of his bureau. In the course of his remarks, Mr. Pinchot said:

"The National forest policy, as we now have it, began when the people of the United States themselves began to realize that the timber was being cut faster than it was being reproduced. The American citizen uses wood more freely and depends upon it for his comfort and well-being more directly than the citizen of any other nation. Ours is a civilization of wood as much as it is of coal and steel. We are using every year three times as much wood from our forests as they are growing. A great timber famine is not only in sight, but it is approaching with bewildering speed.

The above is a fair sample of the enormous timber growth of the Siletz country, and reveals an abandoned cabin after final proof had been made. The horse and buggy are those of a Special Agent who investigated the claim. He found no evidence of cultivation or habitation, but the claim was passed to patent by the General Land Office, notwithstanding numerous fraud reports

> "After the final forests (called forest reserves) were created under the law of March 3, 1891, it began to appear that a few rich men were getting hold of vast areas of public timber lands often by methods which I will not stop to describe. These men saw not only that there was going to be a great shortage of timber, but also that when the shortage came it would be enormously profitable for them to control what timber there was left. Their reasoning was good, and they went vigorously to carry it into effect. But President Roosevelt was awakened to the situation. He saw that it would be vastly better to have some of the timber in the Government's hands for the benefit of all the people, rather than have it all in the hands of a few great owners strictly for their own benefit. Action was needed. He acted, and created many million acres of National forests.
>
> "In view of this action of the President, taken to prevent monopoly and consequent excessive price of lumber, it is curious to find some good men honestly convinced that the creation of National forests is a bad thing, because, they say, it is raising the price of lumber to the consumer. It is the general scarcity of timber, not the National forests, that is raising the price of lumber to the consumer, and this is proved by the fact that prices have risen far more rapidly in the East, where there are no National forests, than in the West, where there are many.
>
> "Another very powerful reason stands behind our forest policy. It is needed to protect the watersheds of streams used for irrigation, for domestic water and manufacturing supply and for transportation.
>
> "It has often been asserted that the Government is trying to make money out of the National forests. This is a profound mistake. The forest service is not in business in the ordinary sense of the word. What it is trying to do, and trying hard, is to make the National forests pay expenses by handling theme in a business-like way.
>
> "The returns from the sale of timber will in the end be very large. We can and do give away large amounts of timber to the small man who is making his home, but there is only one safe and clean way to dispose of timber to men who use considerable quantities of it in their business and that is by auction to the highest bidder; then there can be no question of favoritism or graft.
>
> "The case of the range in the National forests is wholly different. The charge for range amounts to but a small fraction of its actual market value. The range, however, is not a transportable commodity like timber. It must be used by the people who live reasonably nearby and it has been in use by them.
>
> "The effect of range protection in the national forests is already strikingly evident. In many localities it has been possible to increase the number of stock carried because of marked improvements of the range under more reasonable use. Very much of the range in the National forests was badly overgrazed. It is recovering, on the whole, with most gratifying rapidity.
>
> "The protection of the forest and the protection of the range by wise use are two divisions of a problem vastly larger and more important than either. This is the problem of the conservatism of all our National resources. This is the basic problem, and it is a very practical and definite one. If we conserve our natural resources we shall prosper. If we destroy them, no amount of success in any other direction will keep us prosperous. It is the question both of the present and the future."

Discussing this feature of the situation, the Portland Oregonian, in an editorial published June 21, 1907, under the caption of "The People and the Forests," and evidently written by some person in full touch with the facts, had this to say:

> Control and disposition of the public lands is one of the most important problems now before the American Government, for we have reached a period in our development when control of natural products vitally affects the personal and business interests of all the people. That the public land should be given free to the people has long been one of our most cherished principles. This principle was based upon the theory that free land meant cheap homes and consequently many homebuilders. To the extent that free land, or even cheap land, increases the number of home-owners who get their living from the land they have thus acquired, the policy of giving away the public domain is a wise one and has never been seriously questioned or attacked. But there are different kinds of public land and different purposes for which ownership is desired. The public land policy was framed at a time when the Great West meant the prairie region east of the Rocky Mountains, where the settler could build his cabin, plow the sod, sow the grain and raise a crop the second season, if not the first, after settlement. The expression "public land" conveyed a mental picture of land that could be tilled or that was suitable for home-building. While it was then known in a general way that much of the public domain was timbered or contained deposits of coal, the ultimate value of these natural products was not appreciated. Heavily timbered land was scarcely considered in forming the policy which contemplated the giving away of the public domain to home-builders.
>
> In recent years, however, we have come to realize the value of timber and coal lands, and understand that purchasers of either do not seek the land with a view to building

homes thereon. We now perceive that the public land policy, as it applies to tillable land, should be different from the policy that determines the disposition of timber and coal lands. The man who acquires tillable land usually expects to go upon it and make it productive. The man who acquires timber land hopes to sell it to some large corporation. The corporation, founded by men who foresee a scarcity of timber, expects to hold the timber land until it has greatly enhanced in value. The wait may be ten, twenty-five or fifty years, but the certainty of advancing value makes the purchase a safe speculative investment. Much of the timber land goes into the possession of corporations that do not desire it for milling purposes, but expect to make a profit by reason of the future conditions of supply and demand. Tillable land goes to the people—timber land to the capitalistic few who expect to levy tribute upon the people who eventually must buy the timber in the form of lumber.

Out of this difference in the character and the purposes for which it is acquired has grown the forest reserve policy, which contemplates the reservation of lands not suited to homebuilding but which are either valuable for present growth of timber or may become valuable when trees now young reach maturity. To prevent wanton destruction of timber, young and old, and to retain ownership in the Government, is the end to be accomplished by the forest reserve policy. At no time has the reserve policy contemplated the withholding of lands suited to settlement or the withholding of timber needed for the manufacture of lumber. The forest reserve policy therefore includes neither the retarding of settlement nor the hampering of the lumber industry. Incidentally, the forest reserve policy extends to the regulation of grazing on a reservation, the building of roads, cutting of timber, etc.

It would be easy to foresee that the forest reserve idea would meet strong opposition from those persons who wish to acquire timber lands and those who wish to graze their cattle upon the public domain unrestricted. The capitalist with money to invest can see no good in a forest reserve. The cattle owner who feels confident of getting his share of the range, if left to his own devices entirely, has no word of commendation for a system of regulation which guarantees to a weaker cattleman a just share of the public range. One would expect, too, that the great majority of the people, who have no interest except that possessed by every citizen, would favor the forest reserve system, for it proposes to retain for them the vast wealth that is theirs.

That there has been strong opposition to the forest reserve idea is due in part to the abuses which were permitted to grow up in it, chief among them the scripping evil, which enabled large corporations to exchange their worthless lands for good and still retain their good lands within a reserve. In a few instances some lands may have been included in a forest reserve which should have been omitted. This, with some inconvenience in securing grazing permits, may have caused some opposition to the reserves. But, in the main, the fight now being waged in the public lands convention at Denver against the policy of conserving the public lands has its origin in the selfish desires of men who want free timber or free range. The forest system undoubtedly has its faults, but its defects are not serious enough to justify throwing down the lines of the reservations and permitting all who wish to rush upon the last of the timber lands, seizing them in sections and townships to hold until the needs of the people and the concentration of control shall enable the holders to dictate the price of lumber There are some indications of an effort on the part of the timber interests to control the convention and determine its expressions upon public land questions. If such a movement has been undertaken and should succeed, the opinions voiced by the convention would have but little weight with the people. On the contrary, it would tend to make them more than ever supporters of the policy which is designed to retain for the people the land that belongs to them.

The argument offered that the creation of a forest reserve withholds land from taxation is a shallow one. If a timber syndicate can afford to buy a township of timber and pay taxes on it for ten years in order to make a profit on the advance in value, cannot the people afford to retain that same land and go without the taxes in order to realize the profit on the advance in value? Wherein are the people gainers if they lose the large profit represented by growing value, and gain the small amount of money paid in the form of taxes? And more—wherein have the people profited if they sell the standing timber to a speculator today and buy it back from him ten or twenty years hence at many times the price he paid? If a sawmill proprietor needs logs for his mill, let him buy from the people's supply of timber at prices that prevail today; but let him not buy the timber in large tracts at present prices to hold until he can exact from the people a much larger price because he controls the supply.

The forestry policy of the National Government, more popularly known as President Roosevelt's forestry policy, is all that stands in the way of ultimate annihilation of the American forests, according to the arguments presented by Assistant Forester Sherrard, in an article appearing in the Agricultural Yearbook for 1906.

The forestry question has been argued pro and con for such a long time that its main features are well understood, but the subject has never been discussed from a practical business standpoint more clearly than in the article in question. In his paper entitled "National Forests and the Lumber Supply," Mr. Sherrard reviews briefly the history of Eastern forests, showing that Maine and New York, once the great lumber centers of the United States, long ago dropped out of sight as lumber producers when their forests were

James Rudolph Garfield, Secretary of the Interior all but destroyed, and now produce lumber for little else than wood pulp. The lumbermen moved over to the Great Lakes region and there wrought the same havoc that marked their progress in the virgin forests of New England and New York. Finally the forests of the lake region were denuded of all their desirable timber and the manufacturers scattered, some to the South which had been but little exploited 15 years ago, and others to the Pacific Coast. It was not until they reached the Coast that they encountered the Government's forestry policy, and it has only been within the last year or so that the lumber manufacturers have found it necessary to go into reserves and buy up timber at a fair stumpage value. Yet the time is coming when the demand for reserved timber will assume large proportions.

But even before that time, it is argued by the writer that the reserves, or National forests, as they are now called, will act as a regulator of the price of timber in the forest, in that they will compel the payment of a fair price for private stumpage during the present days of plenty on the Coast, and will act as a restraint against exorbitant prices when the timber in private ownership has largely disappeared. All in all, the article presents a number of forceful arguments.

The following extracts present the salient features:

"The old process of exhausting the supply of timber in a region and then seeking new fields is very nearly over. Already the industry is turning back on its tracks. A quality of timber is eagerly sought in the Lake States which a few years ago was passed over as utterly worthless, and certain sawmills have depended for a part of their supply upon the recovery of logs which have sunk in the waterways in process of transportation. In the South the whole pine region is being gone over in close search of the old field pine. This inferior and once despised growth of timber is now bought up at prices greatly in excess of those once paid for the magnificent timber of the virgin forests

"Great improvement in logging and sawmill machinery, signal success in reducing the waste in manufacture, wonderful railroad extension, concentration, and systematic organization of producers to reach the consumer most effectively through the markets, have all combined to cheapen the cost of production and increase the profit in the lumber business. Yet the price of lumber has never before been as high as in the year 1906. This increased price is in spite of an increased production which it taxes the railroads to transport.

"The price of stumpage is far more stable than that of lumber, and responds very tardily to fluctuations in the lumber market. The usual policy of disposing of Federal and State timber for practically nothing has acted powerfully, particularly in the West, to keep the selling price of stumpage far below its legitimate value. It is not surprising that it has always been impossible for the bulk of the owners of timber to have a broad view of the lumber industry and close acquaintance with the lumber market, for most of the cost of producing lumber lies in logging and manufacture, and the margin of profit has varied widely. The price of stumpage has always been artificially depressed, and has lagged far behind the constantly increasing value of lumber.

"The timber and stone act provides for the purchase of public timberland at the uniform price of $2.50 per acre. The purpose of Congress in enacting this law was to make it possible for settlers, miners, and other actual users of timber to satisfy their needs. Records of the General Land Office show that in 1904 over 55,000 entries had been made under this act, covering an area of nearly 8,000,000 acres. Probably 10,000,000 acres of carefully selected public timberland has by this time passed into the control of private owners under this law alone.

"It is well known that most of the entries under this law have been made, indirectly, by nonresidents for speculation. And the great bulk of the entries have almost immediately passed into the hands of timber syndicates, with profit to the original entryman amounting to no more than bare wages. Thus the law has reacted greatly to the disadvantage of the very classes whom it was intended to help, and the bona fide settler and miner and the small sawmill man have seen the public timber rapidly withdrawn and pass into the hands of speculative syndicates.

"The land laws, while they have provided for the rapid disposal of public timberlands, have tended strongly to the segregation of large holdings of timberland for speculative purposes.

"Money receipts from the sale of timber for the fiscal year ended June 30, 1905, were $50,000. During the present fiscal year receipts from timber sold will probably exceed $500,000, and contracts for the sale of timber, extending from one to five years, will reach a value of over $1,500,000.

"The money return which the Government realizes from these sales is in striking contrast to that received from the sale of timberland under the land laws. Under the timber and stone act timberland could be bought for $2.50 per acre, and under the lieu land law it could be acquired in exchange for denuded and worthless land without money payment. Timber from the forests is now purchased by the thousand board feet, and payment is made upon the actual scale of the logs when cut. The cut varies from 5000 to 20,000 feet per acre, so that, at the comparatively low stumpage rate of $2.50 per thousand feet, the Government receives from five to 20 times as much for the timber as it received under the timber and stone act and retains the land. To cite a single example: A sale of

12,000,000 feet of timber was recently made on a National forest in Wyoming, at the rate of $5 per thousand feet. The proceeds from the sale of the timber alone will be $60,000. The timber averages 8000 feet per acre and covers 1500 acres. Had the sale been made under the timber and stone law it would have yielded but $3750 for both timber and land.

"It might be argued that the Government is not in the lumber business and that it should dispose of its remaining timberlands as rapidly as possible, leaving it to private enterprise to exploit them. But public opinion is emphatically in favor of a more conservative use of what remains of the National forests than would be possible were they turned over to lumber companies, whose sole concern would be their quick conversion into cash. The Government has been forced into the lumber business solely that a supply of forest products may be guaranteed to future generations.

"Probably 65 per cent of the total stand of merchantable timber within the forests is located on the Pacific Coast, where for a long time the enormous supply of privately-owned timber will satisfy most of the demand. This more accessible private timber surrounded the forest as the meat of an apple surrounds the core. But this belt of private timber has been entirely eaten away in many places, while in others it is locked up for the purpose of speculation. The thing to remember, then, is that this immense body of public timber is there as a great reserve against the time when private timberlands will be depleted, and for use as a weapon against monopoly. Already, even on the Pacific Coast, actual operators, who are not speculating in timber, but who, if they are to meet the demands of commerce, must have logs to supply their mills, are turning to the National forests.

"The advantages in the purchase of timber from the National forests to the actual operator, and especially to the sawmill man of small means, are many. There is no large initial investment required in acquiring timberlands and no possibility of annoying litigagation over defective title to lands. The purchaser is entirely relieved of taxes and the cost of protection. The Government assumes the entire risk of loss by fire or other causes.

"The first effect of National forests upon prices, particularly where there is still a great deal of available timber, is to raise the price of stumpage toward its intrinsic value by withdrawing the excess supply of low-priced timber from the market. On the other hand, as the supply of timber dwindles and values are forced upward by holding for speculation, the effect of the forests will be to check advance in prices and make them lower.

"In the Rocky Mountain states and territories the major part of the small remaining supply of timber is in the National forests, and here their beneficial effect upon the lumber supply may be more plainly seen than on the Pacific Coast. The demand for timber from the forests throughout this region has come very generally from small sawmills which supply towns and ranches located off the railroads and from mines which use the timber for their own development.

"From the forester's standpoint, mature timber should be cut in order to give the small trees more light and a chance to grow and to make way for reproduction. From the standpoint of National economy, the mature timber on the forests should be utilized as needed for the development of the West, provided the local supply is not reduced below the point of safety. The whole weight of the movement in favor of National forests is squarely against a reckless use of the timber resources, but it is emphatically in favor of the legitimate use of timber. The points of vital importance are that the remaining supply of timber must be used with the utmost economy and that in every case reproduction must be absolutely assured.

"Far beyond the present influence of the National forests upon the lumber supply will be their importance in the future. The United States is now facing a serious decrease in the available supply of timber. That from the National forests will aid greatly to bridge over the period of inevitable lack of mature timber which will last from the time the old trees are gone until the young trees are large enough to take their places. The definite result, therefore, of the sale of timber from the forests will be to sustain the lumber business, to maintain a steady range of timber values, and thus to lessen speculation, and far more important still, to render possible the uninterrupted development of the great industries dependent upon wood."

Ample provision has been made in the Act of June 11, 1906, for the acquisition of title to any lands in forest reserves found to be agricultural in character. It is provided that the Secretary of Agriculture may in his discretion, upon application or otherwise, examine and ascertain as to the location and extent of land within permanent or temporary forest reserves, except the following counties in the State of California: Inyo, Tulare, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and the aforesaid act.

Upon the filing of any such list or description, the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding 160 acres in area and not exceeding one mile in length, at the expiration of 60 days from the filing of the list in the land office of the district within which the lands are located, during which period the list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in some newspaper of general circulation published in the county in which the lands are situated.

Patent may be obtained within five years from the date of settlement by the entryman making proof showing a compliance with the act in question.

Scene in the Sunset oil fields, Kern county, California

Chapter XXX

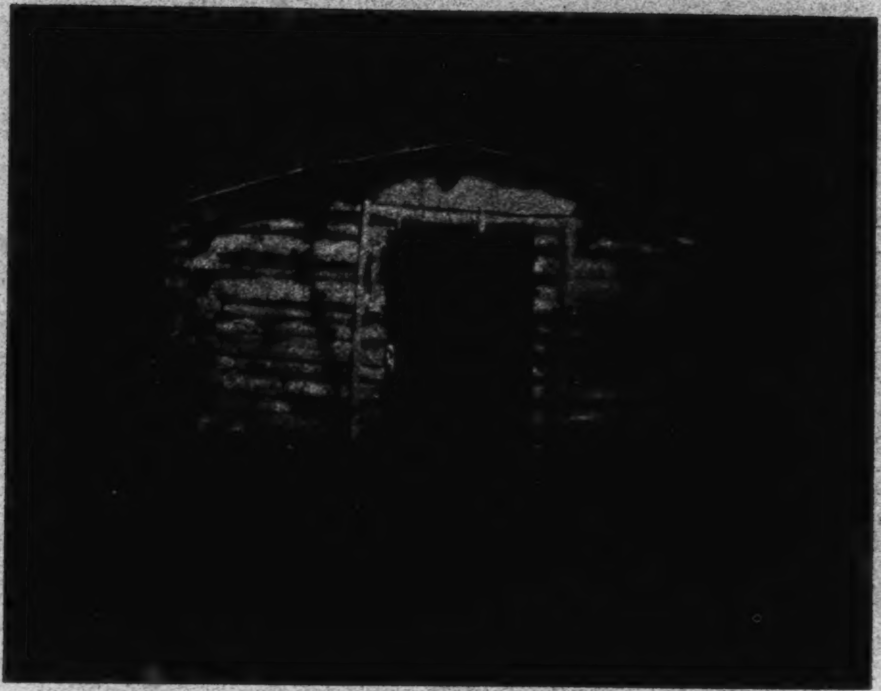
The story of Siletz—How the Indians were robbed of their homes for the benefit of palefaced looters, under the guise of treaty rights—The scheme to open the reservation to settlement under a special homestead law merely a cloak for grabbing the timber by dishonest methods, as only a few entrymen were acting in good faith—The part United States Senator Fulton, of Oregon, took in the game of trying to induce the Secretary of the Interior to expedite the issuance of patents to the bogus entries of Willard N. Jones—How old soldiers were lured into committing perjury by the clink of land fraud gold—Fulton's senseless warfare on William C. Bristol prevents the latter from being confirmed as United States Attorney for Oregon, and also helps materially in the overthrow of Fulton at the polls.

ASSOCIATED with the restoration of public entry and the subsequent alleged settlement of the former Siletz Indian reservation, situated on the Western coast of Oregon, is a story of intrigue from the moment of inception of the idea of throwing this vast domain upon the market, down to the time when some of those involved in the plundering scheme to acquire title to the lands in a fraudulent manner have stood palefaced before the bar of justice and listened to the scathing rebukes of a committing magistrate.

There must be something in the irony of fate when All-Hallowe'en's Day was selected by the representatives of the Government for concluding a treaty with those who had held almost undisputed possession of the wilderness since time immemorial. Perhaps they regarded it as a period when gobblins might be holding high carnival within the confines of the dense forests, and it would be an auspicious occasion for appealing to the imagination of the aboriginess, to the end that they might be induced, by glittering promises, to barter their heritages for a song.

At all events, on October 31, 1892, a treaty agreement was entered into, according to the official records, between Reuben P. Boise, William H. Odell, (he of Oregon State School land notoriety) and H. H. Harding, Commissioners on the part of the United States, and the chiefs, headmen and other male adults of the Alsea and kindred tribes residing upon the Siletz Reservation, whereby the Indians disposed of all their holdings, aggregating ten full townships in extent, and embracing some of the finest timber in the world, for the paltry sum of $142,000! What the Indians were coaxed into giving for this comparatively insignificant amount represents an area equivalent to about 1,300 homestead claims of 160 acres each, or practically 200,000 acres in round numbers, and is worth today at a conservative estimate, more than $8,000,000! If Uncle Sam could do as well on all his real estate investments, he could afford to retire, satisfied with his sagacity, if not his conscience.

The territory ceded comprises the four tiers of townships from the center of Township 6 South to the center of Township 10 South, and from the western bounds of Range 8 West to the Pacific ocean. Not more than one township was reserved for Indian allotments, and from this congested district must come the miserable existence of a race that has been referred to poetically in the dim, distant past as the "noble redmen of the forest"—after they have been further robbed by designing whites—until such time as the last one has answered the final call to the happy hunting grounds, and his memory lives only as a tradition of wrong.



The humble home of Daniel Clark, who filed on a claim in the Siletz country. At the Jones-Clark trial Clark confessed to having induced numerous members of the G. A. R. to perjure themselves in an effort to fraudulently acquire title to a large body of timber land on the former Siletz Indian Reservation in the interest of Willard N. Jones

Another important epoch in history was observed in the next step in the proceedings when Congress ratified this unfair bargain on the anniversary of the birth of Napoleon Bonaparte—August 15, 1894—so it has been a sort of milestone proposition all the way through, as if some mystical power had a hand in branding human memory with the impress of perfidy.

At high noon on July 25, 1895, the reservation was thrown open by Executive proclamation. By Act of Congress of August 15, 1894 (28 Stats. 326) the treaty had been ratified, and the same Act contained the following provision for the disposition of the lands:

> "The mineral land shall be disposed of under the laws applicable thereto, and the balance of the land so ceded shall be disposed of until further provided by law under the townsite law and under the provisions of the homestead law; Provided, however, that each settler, under and in accordance with the provisions of said homestead laws shall, at the time of making his original entry, pay the sum of fifty cents per acre in addition to the fees now required by law, and at the time of making final proof shall pay the further sum of one dollar per acre, final proof to be made within five years from the date of entry, and three years' actual residence on the land shall be established by such evidence as is now required in homestead proofs as a prerequisite to title or patent."

This Act has not been changed in any particular, except that the payment of $1.50 an acre by the settler was dispensed with by the Act of Congress of May 17, 1900 (31 Stats., 179).

While these lands have been thrown open for settlement for nearly fourteen years, many of the townships were unsurveyed at the date of the proclamation. Official surveys have been made from time to time ever since, so that at the present time only one whole township and portions of two others remain unsurveyed.

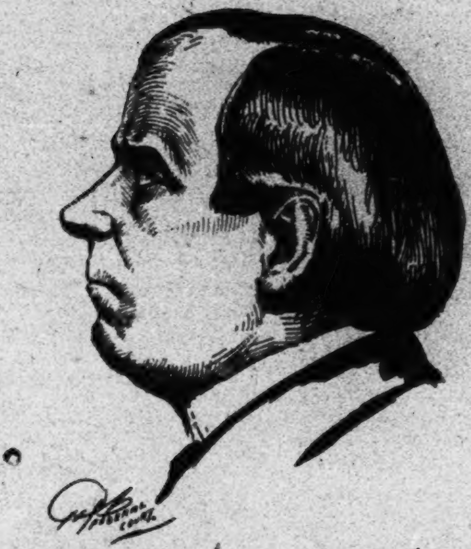
Palatial residence of a Siletz homesteader Notwithstanding several fraud reports from honest special agents, Commissioner Ballinger passed the entry to patent

No sooner was a township surveyed than it was quietly gobbled up by alleged settlers under the special homestead Act created by Congress for their so-called benefit. The whole proceedings looking to the disposition of these lands was a mistake from the beginning. In the first place, the country is of such general character that no person could ever make his living there by cultivation of the soil, as it would take a lifetime to develop any kind of respectable clearing. As a matter of fact, the region is a vast jungle, impenetrable to a greater degree than any portion of the heart of Africa, and it has been estimated that it would cost fully $300 an acre to clear the land.

It is essentially a magnificent forest, and as such should have been preserved by the Government, allowing the few surviving Indians therein to retain possession of their own. They could do no harm by their occupancy, but on the contrary, were capable of accomplishing a great deal of good, as they would naturally take a pride in preserving it from devastating fires, thus affording a continuous protection to the watershed, and thus operating to the material benefit of the climate of the Western coast of the State. Provision should have been made for the sale of the ripened timber to the highest bidder in an open market, and in this way the Government could have secured a revenue sufficient to have maintained the reserve for all time. Wild game could thrive there almost unmolested throughout the closed season, and eventually the region would have become one of the world's greatest hunting grounds.

But there was design on the magnificent timber from the very start, and the proposition to throw the reservation open for settlement under the farcical Homestead Act quoted, was merely a ruse to cloak the real motives of those interested, who figured wisely that few honest claimants would attempt to comply with the prohibitive conditions of the law, and go there with the idea of making a home in every sense of the word. With only one method of acquiring a legal foothold, hundreds of men, and not a few women, were found base enough to lend themselves to the scheme of the looters, and even old soldiers, who had shed their blood on the battlefields of their country, were lured into committing perjury by the fascination of the plunderers' gold. Most of them established a quasi right in a manner that it were a vain pity to call residence, and was seemingly done more for the purpose of maintaining a franchise on the right of possession, than through any honest effort to make a permanent settlement.

Here it was that Willard N. Jones, himself the son of a distinguished officer of the Rebellion, and honored in his own name by the gift of political favor, discarded all his claims to good citizenship by employing such methods to acquire these titles that has made him a candidate for prison bars. His scheme contemplated the location of a large area by process of "dummy" entrymen, and to the shame of all concerned, these were drawn mostly from the ranks of old soldiers,

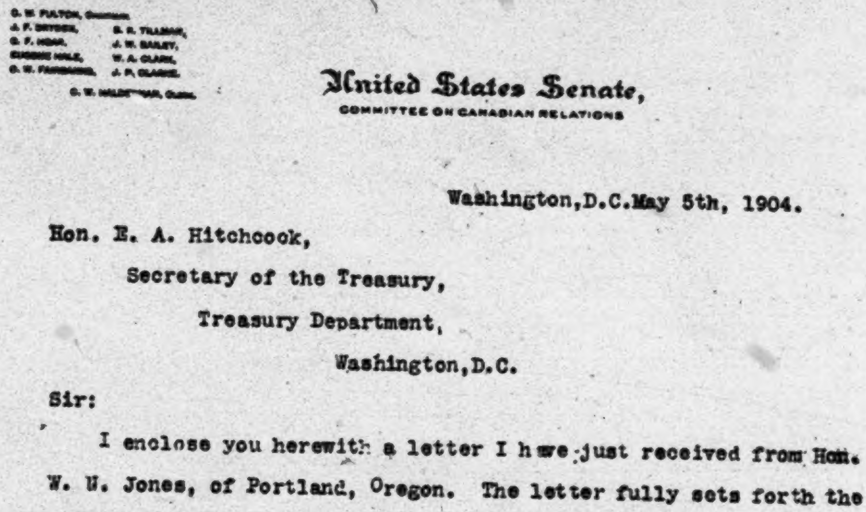


Ira Wade, County Clerk of Lincoln County, who bears the distinction of being the only person acquitted of Oregon land frauds in any case prosecuted by Heney Wade was involved with Jones and Potter in the Siletz matter

members of the G. A. R., who were tempted and fell. Scores of this class invaded the forests and staked out what they were pleased to call their homes. I have shown by photographs the general character of these residences so-called, and will state that these pictures are fairly representative of the alleged "settlement" of the group of entrymen controlled by Jones and his associates. They were mere makeshifts, as will be seen at a glance, and in every case it was shown at the trial of Willard N. Jones, Thaddeus S. Potter and Ira Wade, in consequence of their connection with the frauds, that the entrymen transferred their claims to Jones before the ink was yet dry upon their final certificates, and that they had previously entered into an agreement to do so. Practically the entire body confessed upon the witness stand how they had been led astray, and how they had been induced to commit perjury when making the necessary proof of settlement and cultivation, and that their alleged residence was all a delusion and a snare. Herewith is presented a list of those who thus perjured themselves for the sake of a few dishonest dollars, nearly all of whom were old soldiers or their widows:

Entry No.	Name.	Entry No.	Name.
13137	**Edward C. Brigham.**	14154	**Bert Blauvelt.**
14233	**Daniel Clark.**	13116	**Oliver L. Conner.**
12946	**Esther P. Collins.**	13113	**Richard D. Depue.**
14237	**Heman K. Finch.**	13088	**Joseph Gillis.**
13087	**Anthony Gannon.**	12932	**Annetta Huston.**
13135	**Benjamin S. Hunter.**	13136	**Franklin Hummel.**
13089	**Thomas Johnson.**	14236	**James Landfair.**
14239	**Addison Longenecker.**	14235	**Granville C. Lawrence.**
14234	**George F. Merrill.**	14238	**Thad. S. Potter.**
13105	**Louis Paquet.**	13091	**George Rilea.**
14240	**Henry M. Riggs.**	13142	**Nelson B. Smith.**
13396	**William Teghtmeier.**	13090	**John L. Wells.**
13406	**George West.**	13416	**William T. Everson.**

What lends additional peculiarity to the situation, is the fact that United States Senator Fulton lost no time, after his election, to urge upon the Land Department at Washington the absolute necessity for prompt action in regard to the Jones group of entries, with a view that these fraudulent claims should be passed to patent with as little delay as possible. He even went so far as to write personal letters to the head of the Land Department, insisting that an injustice was being done the homesteaders by longer withholding their final titles, and in at least one instance wrote a letter extolling Willard N. Jones as a man of irreproachable character and high standing in the community! It may be only a coincidence, and all that, and it may be that Senator Fulton falls back upon his well-worn plea that he was misled regarding his conclusions, but it would be interesting to know what kind of an excuse he is able to offer for the following self-explanatory correspondence between the Acting Commissioner of the General Land Office and Secretary Hitchcock, brought about through the unwarranted eagerness of Senator Fulton to have the Jones claims expedited:



United States Senate,
COMMITTEE ON CANADIAN RELATIONS

Washington, D.C. May 5th, 1904.

Hon. E. A. Hitchcock,
Secretary of the Treasury,
Treasury Department,
Washington, D.C.

Sir:

I enclose you herewith a letter I have just received from Hon. W. N. Jones, of Portland, Oregon. The letter fully sets forth the situation and I will not attempt to enlarge on it. I wish to say, however, that I am personally acquainted with Mr. Jones and he stands very high, and I am confident that he states the exact situation and tells the exact truth. I do not believe that he could be induced to do otherwise, and I fear a great injustice is being done him. I trust that you will give the matter your personal attention and a careful investigation. Mr. Jones is a member of the Oregon legislature, and a man of excellent family and social standing and connections.

Very respectfully,

C.W. Fulton

Fac-simile of letter written by United States Senator Fulton to the Secretary of the Interior recommending Willard N. Jones, who was afterwards convicted by a jury for frauds in connection with the Siletz Indian Reservation lands

P
File 20466
J. D. Y.

G. F. P.
W. H. L.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE.

Washington, D. C., September 14, 1904.

Address only the
Commissioner of the General Land Office.

The Honorable Secretary of the Interior.

Sir:

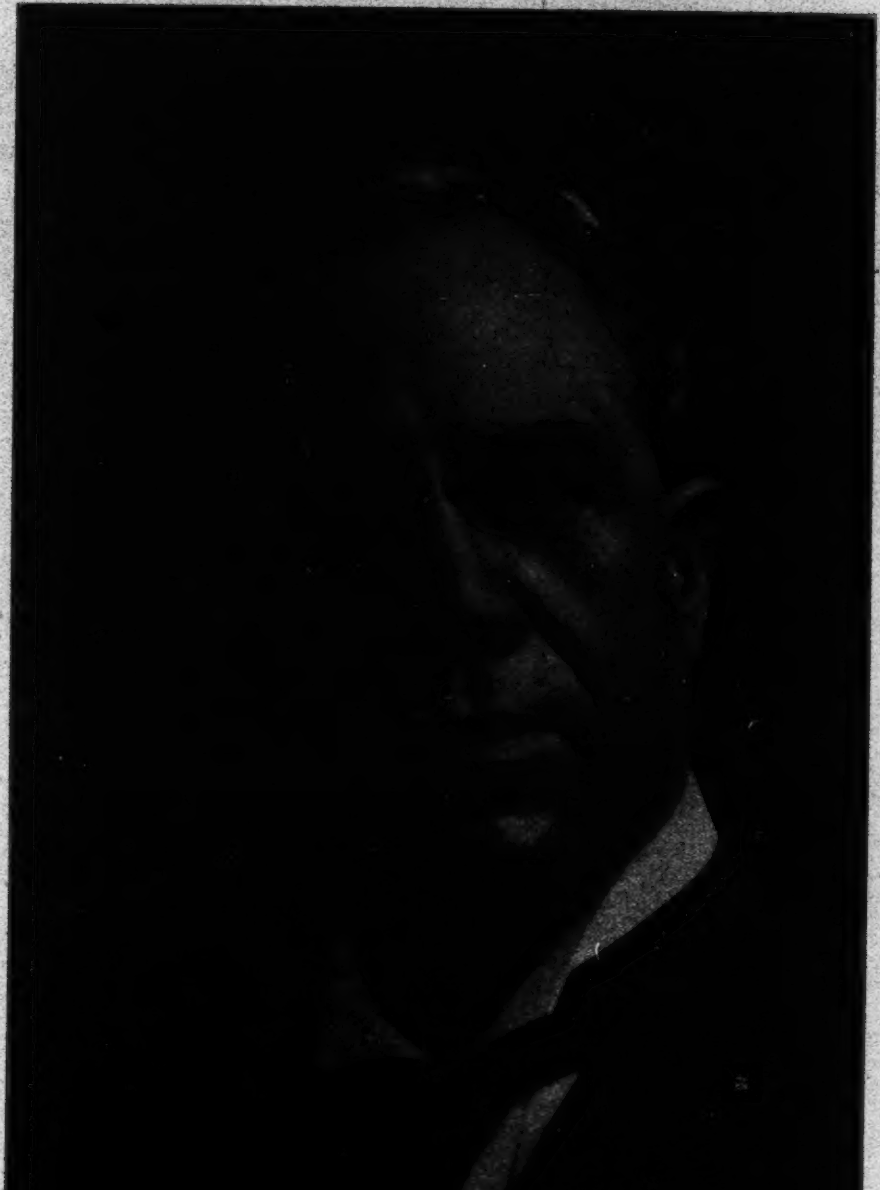
I have the honor to acknowledge the receipt, by your reference of the 3rd instant for early report in duplicate and return of paper, of a letter from Hon. C. W. Fulton, Astoria, Oregon, dated the 28th ultimo, which is as follows:

> I have received a great number of complaints from homestead entrymen on the Siletz Indian Reservation, in Oregon, about the treatment they have received at the hands of the Department. I know how difficult it is for a homesteader to comply with the letter and spirit of the general homestead law in that country. At the same time I realize that you did not make the law and are not responsible for its provisions. That section of the country is so isolated from any inhabited region and so difficult of access that it is very expensive and difficult work to get provisions in to the homesteaders. Being heavily timbered, it is of course very difficult to make a farm out of a tract of land in that locality, and as a result, entryment cannot remain long at a time on their claims, but are compelled to go outside and work. In cases of married men it is difficult to get their wives in to the land and utterly impracticable for them to keep their wives residing there continuously. Nevertheless they are anxious to secure a tract of land on which they will ultimately make their home. I think in construing the homestead law the character of the country in Western Oregon should be taken into consideration. It is not so easy to make a home on a tract of land here as it is in an open prairie country, nevertheless we are very anxious that the country shall be settled up and that homesteaders shall be allowed to exercise the right of entry and to secure their titles and ultimately make their homes on the land. I have therefore prepared and determined to introduce and work to secure the passage of, through the next Congress, a bill for the relief of the settlers in that section of the country. I shall make provision for issuing patents to every homestead entryman who has spent a certain amount in the way of improvements on his tract, whether in labor or cash, without regard to settlement. I will wish to confer with you about the amount of expenditure required, etc. It may be well to require some character of settlement, but I wish, and that is the particular thing I do wish to do, to relieve them from the necessity of continued residence on the land. I wish, therefore, that you would suspend your investigation of claims in that section and not prosecute matters relative thereto until I can have an opportunity to confer with you relative thereto, and to attempt at least to secure the passage of some measure of relief.

The investigation of all entries in the former Siletz Indian Reservation was directed by letter "P" of March 26, 1903, under departmental letter of March 12, 1903, referring to this office copy of correspondence had with Mr. Warren H. Brown, Agency Clerk at the Yakima Indian Agency, Fort Simcoe, Washington, relative to frauds in connection with such entries.

The special agent to whom the matter was originally referred having been transferred to other territory before he had made any reports, directions were given August 7, 1903, to the agent then in charge, the latter having made general reports touching said entries under dates of August 19, November 7, 8, 9, and 11, 1903, and subsequently thereto, stating in effect that in his investigations of the lands in question he had found the same heavily timbered, with a dense growth of pine, hemlock, cedar, and other timber, and not exceeding one-tenth of the land would be fit for cultivation if cleared of the timber; that the cost of clearing a sufficient number of acres to make a living upon would entail an expenditure, which would be out of reach of any man of ordinary means; that almost the whole of the lands of said reservation have been filed upon, but there are no roads over which the claims may be reached, either with a team or saddle horse, nothing but a few dim foot trails, which are only used semi-annually by these claimants in going to or from their respective entries prior to making proof, and except in few instances never afterwards.

The special agent submitted lists containing a large number of entries which he felt satisfied had not been made in good faith for the purpose of making homes thereon;



United States Senator Charles W. Fulton, of Oregon, who pleaded hard for the alleged Siletz settlers

Sample residence of a Siletz homesteader, described in pathetic terms by Senator Fulton in his letter to the Secretary of the Interior, pleading for the issuance of patents on the fraudulent entries made in the interest of Willard N. Jones

and stated that it was the evident purpose of the entrymen to acquire this land in the interest of other persons under cover of the homestead law, and that the entrymen had disposed of their claims to certain named persons.

It was shown that twenty-one entries made at or near the same date were transferred to one party for from $1,500 to $4,400 each, the lands being in the same township or the one adjoining and the sales made soon after the issuance of cash certificates on commuted entries; that twenty-three entries had been mortgaged to another party, it being quite evident that said party is to become the owner of all of the lands covered by said twenty-three entries.

A number of adverse reports have been made by the special agent and the affidavits submitted therewith by the entrymen are in all essential respects similar, and to the effect that they learned of the land through a party in Portland, Oregon, and made their entries under an assurance and agreement that said party would furnish all necessary money to make entry, the necessary improvements, the final proof cost and traveling expenses to and from their claims; and in accordance with said agreement they executed mortgages to said party and subsequently deeded the lands to him.

One entryman alleges that he assisted in getting about thirty "old soldiers and soldiers' widows" to locate homesteads on these lands, all of whom made such entries under such an agreement with said party in Portland.

Inasmuch as a large number of the entrymen sold the land to one party immediately after proof, coupled with the fact that the lands are not tillable even after the timber is removed, goes to show that the entries were not made in good faith for the purpose of a home, but in the interest and for the benefit of the party to whom sold.

It would seem from the foregoing that a failure on the part of the persons making entry on these lands to comply with the liberal provisions of the law is recognized.

The law opening these lands to settlement (act August 15, 1894, 28 Stats., 323,326), only required a three years' residence in order to secure title thereto, thereby giving to such homesteads benefits not afforded those entering other lands. They also shared in the general relief afforded by the Free Homestead Act of May 17, 1900 (31 Stats., 179), and the act of January 26, 1901 (31 Stats., 740).

From the record before this office, there is every reason to believe that a great many of the entries were made without any intention of compliance with law; that they were made in the interest and for the benefit of other parties for the timber thereon and not for the purpose of residing upon or cultivating the land and that the entrymen, as a rule, immediately after making final entry transferred whatever title they thereby obtained, abandoned the land, and now have no further interest therein.

In view of the showing made by the record, which the office believes is a fair statement of facts in the case, it is unable to see how the parties who acted in violation of law and with full knowledge of its requirements, can ask this office to recommend that they be granted any relief or that they have any right or interest in the land entered which can be made the ground for such a request.

The office therefore states it as its opinion that to suspend this investigation, and to adopt the policy suggested by the Senator would be to reverse the policy now vigorously being prosecuted by this office, of securing such a compliance on the part of claimants to public lands as the spirit and letter of the laws and official regulations relating thereto require.

Senator Fulton's letter is, therefore, herewith returned with the information that this office will proceed with such investigations, unless otherwise instructed by the Department.

Very respectfully,

(Signed)

J. H. FIMPLE,
Acting Commissioner.

Mr. Fimple was unquestionably one of the ablest and most sincere officials that ever graced the position of Assistant Commissioner, consequently his remarks upon the subject must be considered accordingly. At the time Senator Fulton wrote the letter in question to Secretary Hitchcock, it was well-known that the Siletz homestead entries were under investigation by the Land Department, and if he was in ignorance of the situation, what then becomes of any of his recommendations?

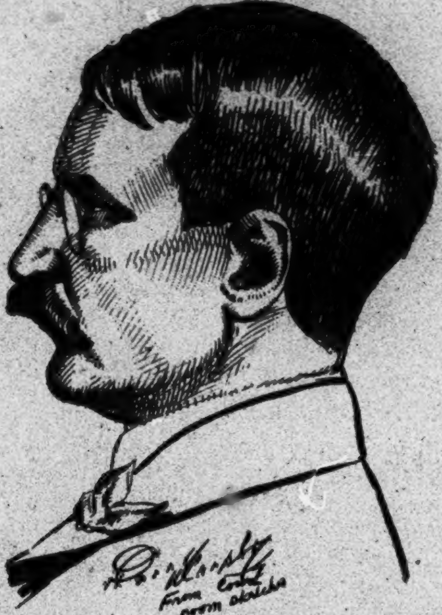
Since all this happened, Senator Fulton has been retired to private life by his constituents, he having been defeated by H. M. Cake at the primaries held throughout Oregon on April 17th last, after one of the most sensational campaigns ever conducted in the State. Upon this occasion Francis J. Heney took an active part in the proceedings, coming from San Francisco especially to oppose Fulton's re-nomination. The distinguished graft prosecutor made three speeches in Oregon—two in Portland, and one at Salem—and it is noteworthy that the counties in which he appeared rolled up the largest majorities against Mr. Fulton. Much more might be told concerning the systematic manner in which Senator Fulton was led astray with such consistent regularity that it eventually became a sort of second nature for him to get deceived, but it would be equivalent to inflicting punishment after death were I to attempt to enumerate all the different instances where he has assumedly had the wool pulled over his eyes. If it had come to pass that he had developed a blind side, and that those who were anxious to secure favorable action on questionable measures had learned the fine art of getting on that side in their operations, then it was high time for him to give way to somebody capable of representing Oregon in a creditable manner.

Although Mr. Ballinger, while Commissioner of the General Land Office, undertook to make it very plain that it was his intention to investigate the different entries of public lands in the West before permitting patent to issue, and that in cases where there had been no protest or adverse report of a special agent within two years from the date of issuance of the final certificate, he would pass such entries to patent, it is apparent that he overlooked a great many things in the Siletz country. For instance, fraud reports had been made at different times by special agents of the General Land Office on the following entries, all within the two years after the issuance of final certificates:

Entry.	Name.	Fraud Report.
C. E. 6559	Anderson, Nils	Oct. 2, 1905.
H. E. 14965	Butz, William	Mar. 12, 1906.
C. E. 7640	Blauvelt, Bert	Dec. 6, 1905.
C. E. 7293	Bradford, A. E.	May 23, 1906.
C. E. 7259	Bradford, Elmer	May 23, 1906.
C. E. 7258	Bridgeford, W. L.	May 24, 1906.
H. E. 14396	Britts, P. W.	Oct. 6, 1906.
C. E. 7828	Crowther, Joseph	Dec. 29, 1905.
C. E. 7726	Cornell, Ernest	May 9, 1906.
H. E. 15056	Cody, Myrtle	Mar. 5, 1906.
H. E. 15021	Cody, Maud E.	Mar. 5, 1906.
C. E. 7258	Dawson, Fred	May 24, 1906.
C. E. 7861	Elkins, Dill	Dec. 9, 1905.
C. E. 7475	Elbert, Wm. F.	May 24, 1906.
H. E. 14370	Franklin, C. J.	Mar. 13, 1906.
C. E. 7251	Foss, Luther V.	Aug. 10, 1906.
C. E. 7252	Fox, Geo. B.	Aug. 10, 1906.
H. E. 13211	Fogarty, John J.	Dec. 6, 1906.
C. E. 7502	Frederick, Bert	May 23, 1906.
C. E. 7715	Huntzicker, F.	May 6, 1906.
H. E. 14392	Hare, C. V.	June 29, 1904.
H. E. 14602	Lucas, F.	Mar. 13, 1906.
H. E. 13963	Landreth, George A.	Dec. 20, 1905.
C. E. 7856	McManus, C. H.	Dec. 29, 1905.
C. E. 7860	McHardy, Catherine	Dec. 29, 1905.
C. E. 7851	Matson, Louis	Dec. 4, 1905.
C. E. 7255	Montague, Robt. B.	May 24, 1906.
C. E. 7256	Riley, Grace E.	May 24, 1906.
H. E. 1432	Runkel, Fred	May 9, 1906.
C. E. 7708	Smith, Q. B.	Dec. 2, 1905.
H. E. 14601	Southwell, W. J.	Mar. 10, 1906.
H. E. 14527	Sullivan, Con	Mar. 2, 1906.
C. E. 7875	Stewart, John F.	Feb. 8, 1906.
C. E. 7477	Schroeder, Wm.	May 23, 1906.
C. E. 7862	Tolford, Minnie	Dec. 4, 1905.
C. E. 7452	Tibbett, Bertha	Dec. 22, 1905.
C. E. 7267	Whitelaw, Neill	Aug. 8, 1906.
H. E. 14032	Wright, Wellington	Dec. 22, 1905.
H. E. 13221	Williams, L. W.	Dec. 27, 1905.
C. E. 7906	Weatherford, A. B.	Dec. 23, 1905.

Furthermore, in August and September, 1907, Acting Chief Neuhausen was directed by the Commissioner to cause field investigations to be made on fully fifty different Siletz entries, and under this authority, detailed Special Agent James D. Watts and Assistant William J. Mitchell to make such investigations. They were in the field fully six weeks, during which they inspected every claim that had been designated by the Land Department as subject to such consideration. While engaged in making out their reports, wherein it was shown that many of those under investigation had failed to comply with the laws governing the acquisition of the Siletz lands, an order came from Assistant Commissioner Dennett passing to patent a number of the claims then under investigation, without regard whatever to their fraudulent character. This act of the Land Department disgusted Special Agent Watts to such an extent that he forthwith tendered his resignation, and is now no longer in the Government service.

R. A. Ballinger, Ex-Commissioner of the General Land Office



Thad. S. Potter, convicted with Willard N. Jones in the former Siletz Indian Reservation frauds

Watts had formerly been a Montana sheriff, and was a man of strict integrity, as well as utterly oblivious to fear of any kind. An attempt was made to bribe him upon the occasion of his investigation of the Siletz entries alluded to, and this act he reported promptly to Acting Chief Neuhausen, but it is questionable whether it had any effect in causing those in Washington to entertain greater respect for him.

It became the habit, finally, for the General Land Office to ignore all reports of special agents affecting the character of the Siletz entries, and to pass them to patent in utter disregard of prevailing conditions. Thus, the claim of Robert B. Montague, the crooked deputy county clerk of Linn county, Oregon, was picked out as a worthy subject for final title, although it was notorious in the Department, through the reports of special agents, and from other sources, that Montague had never in the slightest degree complied with the laws relative to residence and cultivation. Two other claims, equally fraudulent, were included in the letter from Assistant Commissioner Dennett, conveying the information that the three entries had been passed to patent, but fortunately, somebody recovered from the shock sufficiently to enter such a vigorous protest, and set up such well-founded charges of fraud, that even Dennett was obliged to take some sort of official cognizance of the situation by recalling his action in passing the entries to patent, and permitting contests upon specific charges of fraud!

If necessary, I could cite numerous instances in the Siletz country alone where the General Land Office, under the Ballinger and Dennett administrations, has strangely shut its eyes to glaring frauds, and passed entries to patent that it must have known should have been cancelled. This condition applies only to the Siletz country, and whether or not it extends in other directions, I am in no position to state.

In the case of the Siletz entries, it is a matter of record that in nearly every instance the claims were transferred to speculators as soon as final certificates

Fred Dennett, Commissioner of the General Land Office were granted by the local Land Office, and that the holders of title were exceedingly active in securing the issuance of patents.

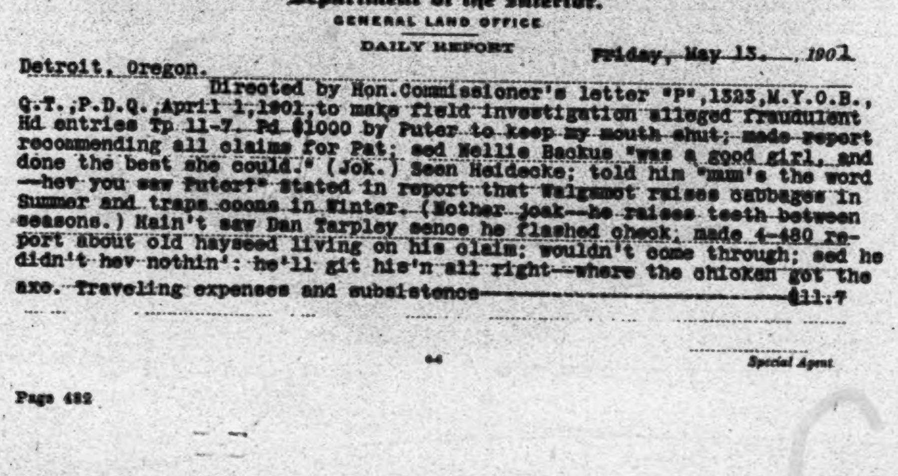
The trial of Willard N. Jones, Thad S. Potter and Ira Wade during 1905, wherein the two former were convicted and the latter acquitted, developed enough evidence to show that hardly an entry in the former Siletz Indian Reservation was made in good faith. Naturally, there are some exceptions, but they are so scarce as to render them unworthy of notice.

When it became known that John H. Hall, the United States Attorney for Oregon, was shielding from punishment some of those since found to have been most prominently identified with the general system of looting, President Roosevelt lost no time in removing him summarily from office, and appointing Mr. Heney to the vacancy. The latter continued to conduct the affairs of the office until December 3, 1905, when President Roosevelt sent in the name of William C. Bristol, a brilliant young lawyer of Portland, Oregon, to fill the position. Bristol was known to be a man of strict integrity and marked legal ability, and as one possessed of the courage of his convictions. It was an open secret that he was Heney's choice for the place, and this, in itself, was sufficient to bring down upon his head the accumulated opposition of every land grafter in Oregon and elsewhere, who were against everything bearing the stamp of Heney's approval.

Every possible effort was made to prevent the confirmation of Bristol by the United States Senate, until finally the President withdrew his name and after Christian Scheubel, of Oregon City, James T. Cleeton, of Portland, and James McCourt, of Pendleton, had been successively named for the place, the Senate, in March, last, confirmed the latter.

The fight against Bristol was led by United States Senator Fulton, of Oregon, and it is believed that his stand in the matter had much to do with his recent rejection by the Republican voters of the State for re-nomination as a Senatorial candidate, and while there is, no doubt, a multitude of causes that led to Fulton's defeat at the polls, it is thought the friends of Bristol contributed their share, nor is there any reason to deny that Fulton's indifference in connection with fraudulent land schemes of the Siletz order operated as much as anything to his political downfall.

Under a recent ruling of the General Land Office, Special Agents are required to make daily reports to the Commissioner covering all their movements, while on duty. This order has had the effect of arousing considerable hostile criticism in the ranks of the better class of Special Agents, who reason that if the head of the Land Department was a person of unsavory stripe, these daily reports would have a tendency to keep him in constant touch with the movements of all the men under his jurisdiction, and enable him to thwart any honest effort to prevent fraud where the Commissioner himself was personally concerned. As an illustration of the idea there is herewith presented a facsimile of the report cards in use by the Special Agents of the General Land Office at the present time, which is filled out with a presumed report of a crooked special agent:



4-808.

Department of the Interior.

GENERAL LAND OFFICE

DAILY REPORT

Friday, May 13. , 1901

Detroit, Oregon.

Directed by Hon. Commissioner's letter "P", 1323, M.Y.O.B., Q.T., P.D.Q., April 1, 1901, to make field investigation alleged fraudulent Hd entries Tp 11-7. Pd $1000 by Puter to keep my mouth shut; made report recommending all claims for Pat; sed Nellie Backus "was a good girl, and done the best she could." (Jok.) Seen Heidecke; told him "mum's the word—hev you saw Puter?" stated in report that Walgamot raises cabbages in Summer and traps coons in Winter. (Nother joak—he raises teeth between seasons.) Hain't saw Dan Tarpley sence he flashed check; made 4-480 report about old hayseed living on his claim; wouldn't come through; sed he didn't hev nothin': he'll git his'n all right—where the chicken got the axe. Traveling expenses and subsistence—$11.7

Special Agent

Chapter XXXI

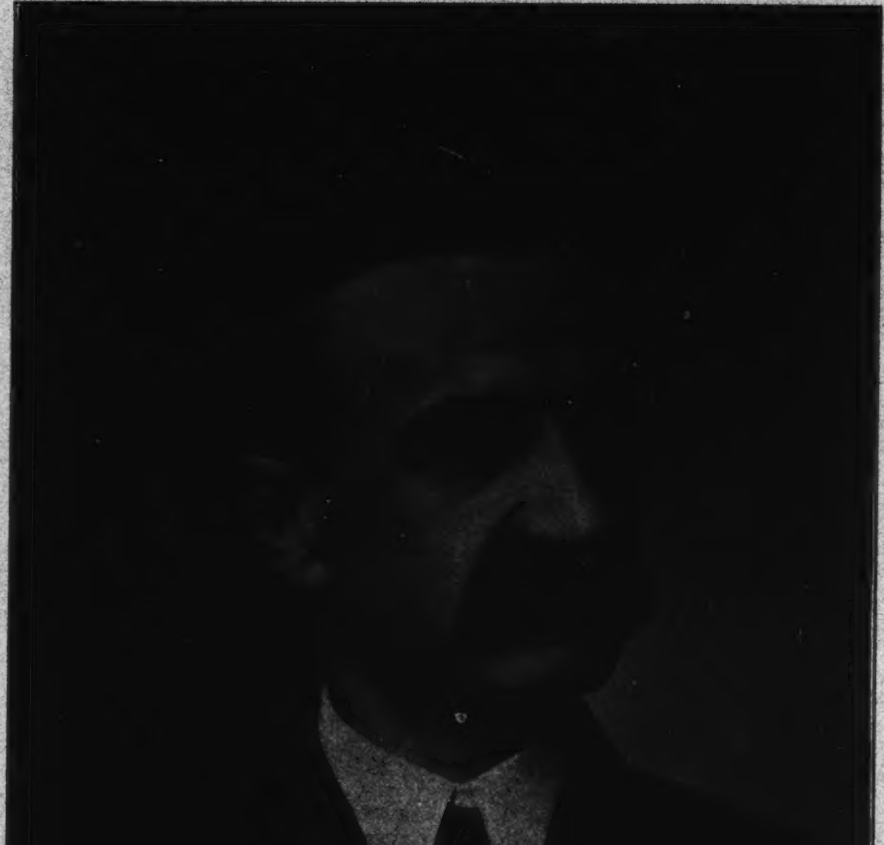
Brief history of the famous Hyde-Benson-Schneider-Dimond Conspiracy Case, now on trial at Washington, D. C.—Defendants brought to bar after four years of vexatious delays—Some interesting features in connection with the manner in which the evidence against the accused was unearthed by the Government.

ALTHOUGH indictments had been returned against F. A. Hyde, John A. Benson, Joost H. Schneider and Henry P. Dimond on February 17, 1904, the defendants were not brought to trial until April 1, 1908. Legal efforts to prevent the case from being reached at all were responsible for some of the delays, but generally the continuances and repeated postponements were brought about through technical questions raised to hinder proceedings. At all events, it has taken the Government more than four years to bring the quartet of alleged conspirators into Court, and there is a strong likelihood of the case dragging its weary length along for some time to come before any final determination is reached, the trial being still in progress at this writing.

Three of the defendants—Hyde, Benson and Dimond—reside in San Francisco, California, while Schneider is engaged in business at Tuscon, Arizona. They were accused under Section 5440, of the United States Revised Statutes, with having defrauded the Government of its public lands, their plan of operation, according to the theory of the prosecution, embracing a system without parallel for its magnitude. In brief, it contemplated the fraudulent acquisition of title to thousands of acres of school lands within the confines of forest reserves in California and Oregon by process of "dummy" and fictitious applicants, and the exchange of tracts thus acquired for valuable timber lands of the United States under the forest reserve lieu land Act of June 4, 1897. It was through this exchange with the Government that they became involved in trouble, as the United States has no authority over State lands of any kind, and had the alleged conspirators confined their operations to the acquisition of title to the 16th and 36th sections of townships in the two States named, the chances are that nothing in the nature of a criminal proceeding would have resulted from their scheme of looting. As soon, however, as they undertook to select Government land in lieu of their fraudulent State holdings, it brought them within the jurisdiction of Uncle Sam, and entailed a condition that has resulted in a long legal battle for their liberties.

Dimond was stationed at Washington, D. C., during the period it was claimed the frauds had been committed, and his supposed connection with Hyde and Benson as their legal representative at the National Capital is responsible for the case being tried there. It was set up in the indictment that the fact of his appearing before the Land Departments at different times in the interest of the two alleged arch conspirators formed the connecting link, and entitled the Government to try the defendants wherever any part of the plot was hatched. The attempt to remove the quartet to Washington for trial was resisted to the utmost, but without avail, as the United States Supreme Court sustained the Government's contention that if any part of the proceedings tending to connect the defendants with the commission of a conspiracy originated in Washington, they could be brought across the continent for trial.

The first official intimation that frauds of an extensive character were being perpetrated by the Hyde-Benson ring, came in the form of a letter from J. A. Zabriskie, an attorney of Tuscon, Arizona (since deceased), who advised the General Land Office at Washington, D. C., that he was in possession of information



Arthur B. Pugh, of Washington, D. C., Special Assistant to the United States Attorney-General and Chief Counsel for the Government in the Hyde-Benson case from Joost H. Schneider, a client, to the effect that F. A. Hyde, John A. Benson and Henry P. Dimond were engaged in a conspiracy to defraud the Government out of immense tracts of State school lands in California and Oregon by process of illegal filings, and that Schneider was willing to aid the Land Department officials in uncovering the frauds. After considerable delay, Binger Hermann, then Commissioner of the General Land Office, detailed Special Agent S. J. Holsinger to proceed to Tuscon and interview Schneider.

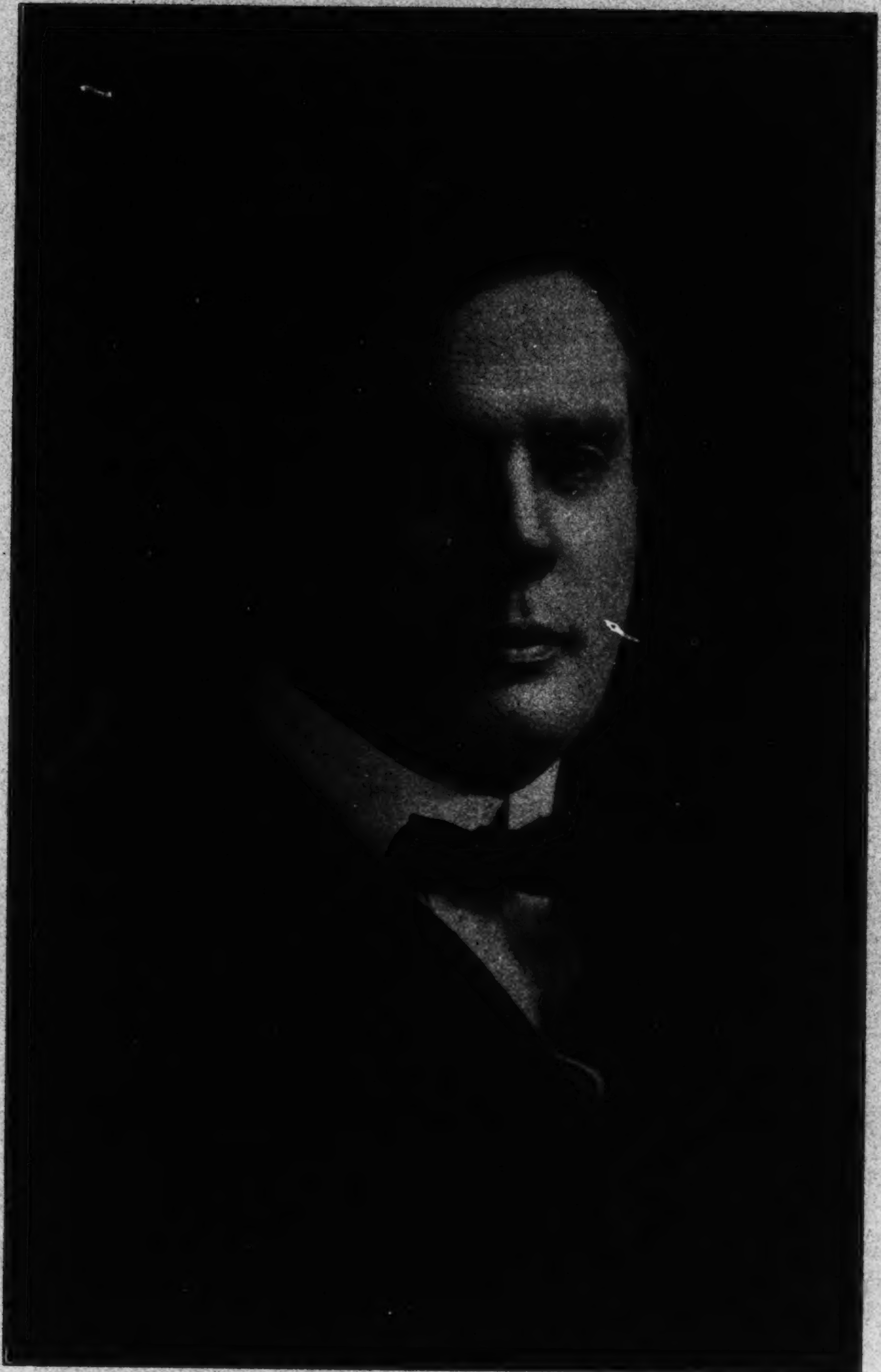
Acting under these instructions, Holsinger proceeded to Tuscon, where on November 6, 1902, he held his first interview with Schneider in the presence of Attorney Zabriskie. Several days were consumed in securing full details from Schneider, so that it was not until November 12, 1902, that Special Agent Holsinger was prepared to make his report to the Commissioner of the General Land Office. This he did from Phoenix, Arizona, on the date indicated, covering practically every feature of the conspiracy as described by Schneider.

In brief, the admissions of Schneider amounted to a confession that he had acted as the agent for Hyde and Benson in prcuring "dummies" to locate the school lands in existing and proposed forest reserves of California and Oregon, with a view of their subsequent exchange with the Government for other lands. In this manner several hundred applications had been filed, many of which embraced the names of fictitious persons.

Holsinger transmitted his report to the General Land Office, and it was promptly pigeonholed by Commissioner Hermann, and probably would never have seen the light of day again had not a clerk unearthed it, and its contents become known to Secretary Hitchcock, months after it had been filed with the Commissioner. The Secretary of the Interior at once instituted an investigation, intrusting this feature of the case to Arthur B. Pugh, an attorney for the Interior Department. The latter proceeded to California accompanied by Special Agent Steece, of the General Land Office, and the two secured much damaging evidence against Hyde, Benson and others. Later William J. Burns, of the Treasury Department, was called into the case, and he spent several weeks in San Francisco and Oregon in unearthing the frauds, with the result that from the mass of evidence in the possession of the Government from these various sources, the indictment was returned.

When Burns returned to Washington from his preliminary investigation of the Hyde-Benson case, he asked the Chief Clerk, James T. Macey, of the General Land Office, for a confidential stenographer to write up his report. Macey sent Irvin Rittenhouse to him for a few days. His work was of such value to Burns that he was retained by him indefinitely. This was the early part of November, 1903. About December 28th or 29th, 1903, Secretary of the Interior E. A. Hitchcock received two anonymous letters from San Francisco concerning the Hyde-Benson case. One was typewritten and the other pen printed. He turned them over to Burns and the latter brought them to the Land Office, where he showed them to Rittenhouse and asked him who he thought wrote them. Rittenhouse, who had been handling a lot of typewritten papers in connection with the case, noticed at once that the anonymous letter was written on a Blickensderfer typewriter and immediately called Burns' attention to the fact that all of Dimond's letters to the General Land Office, entering his appearance as attorney in the Hyde lieu selection cases, had been written with this type of machine, and that it was his opinion Dimond wrote the anonymous letters.

Several months later Rittenhouse accompanied Burns to San Francisco for the hearing before United States Commissioner E. H. Heacock on the question of the removal of the defendants Hyde and Dimond, Schneider having been arrested in Washington, D. C., and Benson in New York City. The hearing lasted about six or eight weeks, during March, April and May, 1904. Dimond had been on the stand in his own defense for about a week or ten days, under cross-examination by Mr. Heney, and his story was one that could not be shaken by the Government. It was vitally important that the Commissioner should hold



Daniel W. Baker, United States Attorney for the District of Columbia

Dimond for removal, as the majority of the overt acts alleged in the indictment were committed in Washington, D. C., where Dimond had been stationed. The Government officers were not a little worried over the defense Dimond was making, and the newspapers were all inclined towards the assumption that he had no connection with the conspiracy and that he was innocent of any criminal knowledge thereof. The anonymous letters contained statements that no one but a co-conspirator could have made, and if it were possible to prove Dimond to be the writer of them, his defense would fall.

Burns had not accepted the theory of Rittenhouse, and was working on other lines to connect Dimond with the letters, but had been unsuccessful. One afternoon after Court had adjourned, while Dimond was still on the stand, and the Government officers had almost concluded it would be impossible to break him down, Judge Pugh, Rittenhouse, and Burns accompanied Heney to his offices, and while there discussing the case, Heney asked Burns for the anonymous letters, which Rittenhouse had brought to San Francisco, and was reading them over in an effort to find some connection with Dimond in them. The anonymous letters had erroneously spelled the Special Agent's name STACE instead of STEECE. As soon as Heney read this part of the pen written letter "If your Mr. STACE had been worth the powder to blow him up," etc., Rittenhouse remarked in the presence of Burns and Pugh, "Why, Dimond has been calling STEECE STACE all afternoon." Heney looked up and said: "By, G—d, that's right, Rit!" Burns gave a look of doubt as to the correctness of the statement, but both Heney and Pugh immediately recalled the fact. Mr. Heney read the following portion of the letter which referred to a Mr. BROHASKI in Tucson, Arizona. This meant Zabriskie, who had been Schneider's attorney when he first made his confession of the conspiracy to Special Agent Holsinger. As soon as Mr. Heney read the sentence containing this name BROHASKI, Rittenhouse again remarked, "Dimond has been calling Zabriskie BROHASKI, too." Heney looked up with the smile of satisfaction that had not then become famous and said:

"That's right; Good for you, Rit!" and brought his fist down on his desk, saying "We've got him; We've got him!"

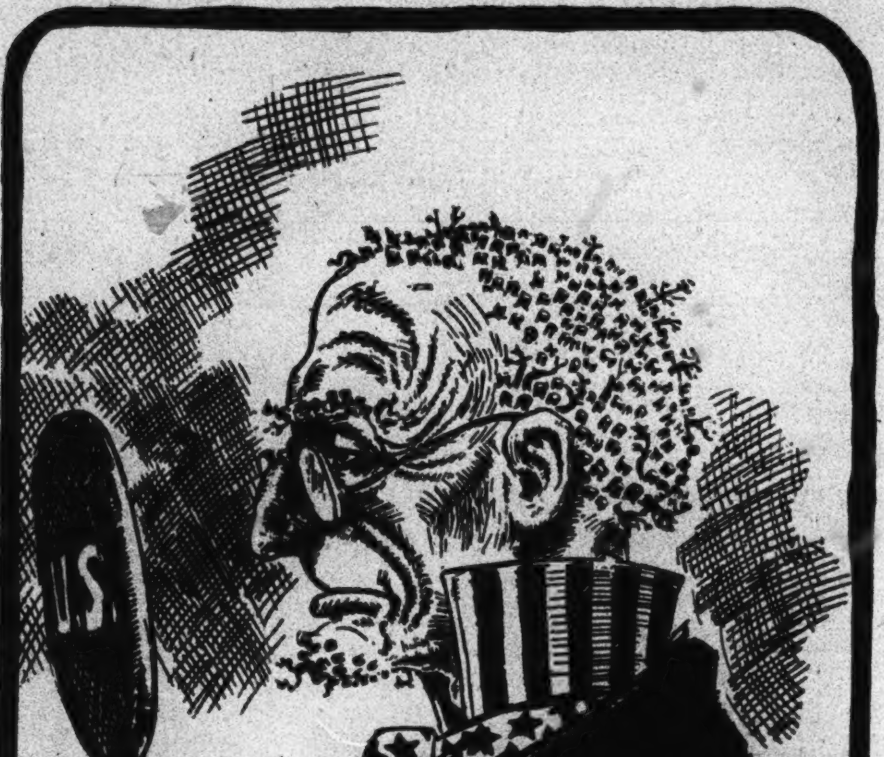
Burns was inclined to doubt even this statement, but both Heney and Judge Pugh recalled it, and the former paid no attention to the doubts of Burns. Turning to Rittenhouse Burns said:

"Now that goes to show the importance of you being down there all the time, Rit."

Rittenhouse immediately rejoined, "What's the matter with the 'King of Detectives?' he was asleep this afternoon."

As a result of these identical errors by Dimond on the stand in the course of his examination and numerous other coincidences which Rittenhouse then pointed out to Mr. Heney in Dimond's admitted correspondence, it was clearly proven that Dimond had written the two anonymous letters to Secretary Hitchcock, and the Government even proved that he was the writer of one which he claimed to have received from some unknown source, and which he had written to himself to use as a "club" on Hyde to make the latter pay him a fee of $10,000 which Dimond claimed was due him from Hyde.

Judge Stafford, of the Supreme Court of the District of Columbia, presides at the trial of the four defendants, while Judge Arthur B. Pugh, Special Assistant to the Attorney-General, and Daniel W. Baker, United States Attorney for the District of Columbia, ably represent the Government in the proceedings. Hyde is defended by A. S. Worthington, a prominent lawyer of Washington, D. C., and the legal interests of Benson are skillfully guarded by J. C. Campbell, of San Francisco.



UNCLE SAM AS HE MAY APPEAR TWENTY YEARS FROM NOW
Chief Forester Pinchot declares that the supply of timber in this country
will be exhausted in twenty years if nothing is done to protect it
Spokane Spokesman-Review

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